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**1992**

# ***Illinois Register***

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**Rules of Governmental Agencies**

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## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Dual Party Relay Service

2) Code Citation: 83 Ill. Adm. Code 756

3) Section Numbers: Proposed Action:

|                  |           |
|------------------|-----------|
| 756.10           | Amendment |
| 756.15           | Amendment |
| 756.20           | Amendment |
| 756.100          | Amendment |
| 756.110          | Amendment |
| 756.115          | Amendment |
| 756.120          | Amendment |
| 756.200, 756.205 | Amendment |
| 756.210          | Amendment |
| 756.220          | Amendment |
| 756.300          | Amendment |

4) Statutory Authority: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 13-703 and 10-101).

5) A Complete Description of the Subjects and Issues Involved:  
With the enactment of the Americans with Disabilities Act of 1990 and subsequent adoption of implementing rules by the Federal Communications Commission at 47 CFR 64.60 through 47 CFR 64.608, it is necessary to amend Part 756 to comply with the definition, terminology, and minimum standards of the Federal rules.

6) Will these proposed amendments replace emergency amendments currently in effect? No.

7) Does this rulemaking contain an automatic repeal date: No.

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? Yes.

|                        |                         |  |
|------------------------|-------------------------|--|
| <u>Section Number:</u> | <u>Proposed Action:</u> | <u>Illinois Register Citation and issue date</u> |
| 756.210                | Amendment               | 16 Ill. Reg. 14004                               |

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objectives: These proposed amendments neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62706

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: October 2, 1992

B) Types of small businesses affected: The proposed amendments will not affect any small businesses as defined in the Illinois Administrative Procedure Act.

C) Reporting, bookkeeping or other procedures required for compliance: None.

D) Types of professional skills necessary for compliance: Managerial skills.

The full text of the Proposed Amendments begins on the next page:



ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER f: TELEPHONE UTILITIES

PART 756

TELECOMMUNICATIONS DUAL-PARTY RELAY SERVICES

SUBPART A: GENERAL PROVISIONS

- Section 756.10
- 756.15 Dispute Procedures
- 756.20 Notice

SUBPART B: LEC OBLIGATIONS

- Section 756.100
- 756.105 Components of Relay Service
- 756.110 Relay Service Execution and Administration
- 756.115 Publicity Concerning Relay Service
- 756.120 System Provider Selection Process
- 756.125 System Provider Interactions
- 756.125 Filing Requirements

SUBPART C: RELAY SERVICE PROGRAM STANDARDS AND SPECIFICATIONS

- Section 756.200
- 756.205 Relay Service General Quality Standards
- 756.210 Relay Service Operations and Specifications
- 756.215 Relay-Service-Operator Communications Assistant Standards
- 756.220 System Provider Reporting Requirements
- 756.225 Relay Service Billing and Collection Procedures
- 756.225 Relay Service Revenues

SUBPART D: OVERSIGHT AND REVIEW

- Section 756.300
- 756.305 Staff Liaison
- 756.310 Advisory Council Rights
- 756.310 Biannual Workshop

AUTHORITY: Implementing Section 13-703 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 13-703 and 10-101).

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 12 Ill. Reg. 17321, effective October 15, 1988; emergency amendment at 16 Ill. Reg. 14470, effective September 3, 1992, for a maximum of 150 days; amended at Ill. Reg. , effective

SUBPART A: GENERAL PROVISIONS

Section 756.10 Definitions

"Act" means The Public Utilities Act (Ill. Rev. Stat. 198791, ch. 111 2/3, pars. 1-101 et seq.).

"Advisory Council" means the advisory council established by 83 Ill. Adm. Code 755.405.

"ASCII" means the American Standard Code for Information Interexchange which employs an eight bit code and can operate at any standard transmission baud rate including 300, 1200, 2400 and higher.

"American Sign Language" or "ASL" means a visual language based on hand shape, position, movement, and orientation of the hands in relation to each other and the body.

"Baudot" means a seven bit code, only five of which are information bits. Baudot is used by some text telephones to communicate with each other at a 45.5 baud rate.

"Communication Assistant" or "CA" means a person who transliterates conversations from text to voice and from voice to text between two end users of relay services.

"Commission" means the Illinois Commerce Commission.

"Deaf-blind" refers to a person who is deaf or hard-of-hearing and who is also sight-impaired and who can regularly and routinely communicate by telephone only through the aid of a telebraille device.

"Deaf or hard-of-hearing" refers to a person with a permanent hearing loss who can regularly and routinely communicate by telephone only through the aid of devices which can send and receive written messages over the telephone network.

"Disability" refers to deaf or hard-of-hearing, deaf-blind, speech-impaired or speech-impaired blind.



## ILLINOIS COMMERCE COMMISSION

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~~"Intrastate calls" means interstate calls other than inter/intra MSA coin paid, hotel, motel, and hospital sent paid, calls to 900 numbers and 950 numbers, and calls to 976 numbers and other recorded announcements.~~

~~"Hearing carry over" or "HCO" means a reduced form of TRS where the person with the speech disability is able to listen to the other end user and, in reply, the CA speaks the text as typed by the person with the speech disability. The CA does not type any conversation.~~

~~"Illinois Telecommunications Access for the Deaf and Severely Hearing-Impaired Corporation" or "ITAC" means the not-for-profit corporation jointly established by the Illinois local exchange carriers in order to administer the programs mandated by Section 13-703 of the Act.~~

~~"IXC" means interexchange carrier, which is a telecommunications carrier providing interexchange service as defined in Section 13-205 of the Act.~~

~~"LEC" means local exchange carrier, which is a telecommunications carrier providing local service as defined in Section 13-204 of the Act.~~

~~"MSA" means Market Service Area which defines the local access transport area for telephone service.~~

~~"Relay system" means the configuration, provision, and operation of the facilities, equipment and personnel through which the LEC's shall provide relay service.~~

~~"Speech-impaired" means a person with a permanent speech disability which precludes oral communication, who can regularly and routinely communicate by telephone only through the aid of devices which can send or receive written messages over the telephone network.~~

~~"Speech-impaired blind" means a speech-impaired person who is also sight-impaired.~~

~~"Staff liaison" means the staff liaison established by 83 Ill. Adm. Code 755.400.~~

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"System provider" means that corporation, organization, coalition, or entity who, under contract to the ITAC, provides the relay system through which the LEC's shall provide relay service.

"TT FPP" means text telephone telecommunications device for the deaf, a device which employs communication in the transmission of coded signals through wire or radio communication system, allows deaf or severely hearing-impaired persons to send and receive written messages over the telephone network. The term shall include any "telebraille" device, a TT FPP which employs braille language symbols.

"Telecommunications Relay Service"(TRS) or "Relay service" means telephone transmission services that provide the ability for and individual with a disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a disability to communicate using voice communication services by wire or radio service provided pursuant to the dual-party relay program mandated by Section 13-703 of the Act.

"Translate" means to verbally express a message received by TT FPP or to send by TT FPP a verbal message received.

"Voice carry over" or "VCO" means a reduced form of TRS where the person with the hearing disability is able to speak directly to the other end user. The CA types the response back to the person with the hearing disability. The CA does not voice the conversation.

(Source: Amended at Ill. Reg. , effective )

Section 756.15 Dispute Procedures

- a) The system provider shall assign to one or more of its personnel the duty of hearing any dispute by a relay service user. Such personnel shall consider the complainant's allegations and shall explain the complainant's situation and system provider's assertions in connection therewith. Such personnel shall be authorized to act on behalf of the system provider in resolving the complaint and shall be available during all hours for this duty.



## ILLINOIS COMMERCE COMMISSION

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b) The system provider shall direct its personnel engaged in personal contact with the user seeking dispute resolution under the provisions of this Part to inform the user of his/her right to have the problem considered and acted upon by supervisory personnel of the relay service where any dispute cannot be resolved.

c) Should a user express nonacceptance of the decision of supervisory personnel, the supervisory personnel shall then inform the user of his/her right to have the problem reviewed by ITAC, and shall furnish the user with the telephone number and address of ITAC.

d) In cases where the dispute is not resolved, ITAC shall direct its personnel to inform the user of his/her right to have the problem reviewed by the Commission and shall furnish the user with the telephone number and address of the Consumer Services Division of the Commission. In addition, ITAC shall offer the assistance of the Advisory Council pursuant to Section 756.305(b).

## e) Billing disputes

1) When a customer disputes a particular bill, the company shall not discontinue service for nonpayment so long as the customer:

- A) pays the undisputed portion of the bill;
- B) pays all future periodic bills by the due date; and
- C) enters into discussions with the company to settle the dispute.

2) No late payment charge shall be charged on any disputed bill paid within 14 days of resolution of the dispute if the complaint was filed before the bill became past due.

f) Disputes arising under this Part shall also be governed by 83 Ill. Adm. Code 735-190 and 735.200.

(Source: Amended at Ill. Reg. , effective )

## ILLINOIS COMMERCE COMMISSION

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## Section 756.20 Notice

Unless otherwise indicated, "notice" means notice within 30 days of the event for which notice is required. Notice shall be given in writing or by TT FDD. Notice given by TT FDD shall be subject to hard copy recovery by, and at the discretion of, the receiver, except that an LEC or its agent shall mail a Braille copy of any notice to a telebraille recipient within 48 hours of the original transmission of notice.

(Source: Amended at Ill. Reg. , effective )

## SUBPART B: LEC OBLIGATIONS

## Section 756.100 Components of Relay Service

The LEC's shall provide relay service whereby a hearing-impaired person with a disability utilizing a TT FDD (either ASCII or Baudot code capable) can communicate with a hearing person through the voice assistance of a CA relay-service-operator. All TRS conversations between TT and voice callers shall be in real time. The relay service shall accept eligible calls originating within the state of Illinois and shall terminate calls to any point within the state of Illinois which can be dialed directly by a CA relay-service-operator at the request of the originating caller. Specifically the relay service operator shall do the following:

a) Accept a call from a TT FDD-equipped caller, place a call to an ~~voice-capable~~ individual who does not have a disability and translate the TT FDD messages to voice messages and the voice messages to TT FDD messages in order to complete the communications link;

b) Accept a call from a ~~voice-capable~~ caller who does not have a disability, place a call to a TT FDD-equipped individual and translate the voice messages to TT FDD messages and TT FDD messages to voice messages in order to complete the communications link.

(Source: Amended at Ill. Reg. , effective )

## Section 756.110 Publicity Concerning Relay Service

a) LEC's shall publicize the relay service. Publicity shall include, at a minimum:

- 1) Annual Bill inserts and notices published in the directories;



## ILLINOIS COMMERCE COMMISSION

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- 2) Placement of TRS instructions in telephone directories, through directory assistance services, and incorporation of TT numbers in telephone directories (at customer's request);
- 23) Written notification to conventional news media such as daily, weekly, and monthly newspaper or magazines and the news departments of television and radio stations;
- 34) Written notification to organizations and to newsletters serving individuals with disabilities the deaf or severely hearing-impaired. Organizations and newsletters wishing to receive such notification must contact the LEC's and place themselves on arelay service information service list; and
- 45) Written notification to designated offices of the State of Illinois social service agencies, as provided in 83 Ill. Adm. Code 755.110(a)(4).
- b) Relay service information publicized by the LEC's shall include:
- 1) Relay service access numbers;
  - 2) A description of the relay service functions prescribed in Section 756.100;
  - 3) Statements of the full time availability of relay service; and
  - 4) Statements advising that for the quickest response TT #99 users should directly contact their local 9-1-1 service in emergency situations, or appropriate local emergency agencies in areas where 9-1-1 is not in service, not employ the relay service to complete emergency calls (as defined in 83 Ill. Adm. Code 725), instead of employing the relay service to complete emergency calls (as defined in 83 Ill. Adm. Code 725). LEC publicity shall advise TTDD users to directly contact their local 9-1-1 service in emergency situations, or appropriate local emergency agencies in areas where 9-1-1 is not in service.

(Source: Amended at Ill. Reg. , effective )

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## Section 756.115 System Provider Selection Process

- a) The ITAC shall develop and circulate to prospective system providers an RFP for the provision of the relay system through which LEC's shall provide the relay service mandated by Section 13-703(b) of the Act and this Part.
- 1) The RFP shall require each respondent to submit a proposal for the design, configuration and supply of a statewide relay system meeting or exceeding the minimum specifications and standards prescribed in Sections 756.200, 756.205, 756.210 and 756.215.
  - 2) The RFP shall require each respondent to supply, either through direct provision or through the securing of services and facilities provided by other entities, the following:
    - A) All relay center buildings, real estate, permits, rights-of-way or clearances necessary to operate the relay system as specified in this Part;
    - B) All telecommunications trunks, cables or lines connected to the relay center in order to receive or initiate telecommunications for the purposes of providing the relay system as specified in this Part;
    - C) All telecommunications or other facilities and equipment required in order to provide the relay system as specified in this Part;
    - D) All supplies, furniture or miscellaneous items required in order to provide the relay system as specified in this Part; and
    - E) All personnel and the training of such personnel required in order to staff and operate the relay system as specified in this Part.
  - 3) The RFP shall state whether responses require each respondent's proposal to shall be based on a cost-plus-fee or a fixed-cost type contract arrangement.



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- 4) Prior to circulating the RFP to prospective system providers, ITAC shall file the RFP with the Commission for approval, providing copies to the Advisory Council and Staff Liaison on the file date.
- A) The Advisory Council and Staff Liaison shall have the opportunity to file comments on the RFP within 20 business days following the file date of the RFP. The ITAC shall be allowed to respond to the comments within 10 business days following the close of the comment period.
- B) The Commission shall approve or disapprove the RFP for circulation to prospective system providers by ITAC based upon the conformity of the RFP with the requirements of Section 13-703(b) of the Act and this Part.
- C) If the Commission disapproves the RFP, the Commission shall:
- i) Specify those aspects which do not conform to the specifications of this Part; and
  - ii) Direct ITAC to revise the RFP in regard to those elements.
- 5) System provider proposals shall be evaluated on the following criteria:
- A) The ability of a proposal to cost-effectively achieve the relay system requirements prescribed by this Part;
- B) A bidder's abilities to fulfill the conditions of its proposal. The bidder shall be assessed according to its financial condition (e.g., net worth, cash flow, and ability to raise capital); technical, operational and managerial expertise; and past experience and level and quality of performance.
- C) A bidder's prior experience in providing relay services ~~to the hearing-impaired~~.

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- 6) Each RFP will indicate a date, time, and place for prospective system providers to submit a bid or proposal. Responses received late shall not be considered.
- 7) All bids or proposals received prior to the time set for opening shall be opened in public at the date, time, and place specified in the RFP.
- b) Evaluation procedure
- 1) Within two business days following the deadline for submission of proposals by all parties, the ITAC shall file with the Commission and provide to the Advisory Council and Staff Liaison a copy of each bid or proposal with a sworn statement by the president, a vice-president or secretary of ITAC stating that said proposals are complete records and that they were received by ITAC under seal which was not broken except as provided in subsection (a)(7);
  - 2) If, after evaluating all proposals, the ITAC Board determines that no proposals meet the requirements of Section 13-703(b) of the Act, this Part, or the RFP, the ITAC shall file with the Commission notice of this determination and a report citing the specific deficiencies of each proposal in adequately fulfilling the requirements of Section 13-703(b) of the Act, this Part, or the RFP.
- A) The Advisory Council and the Staff Liaison shall have the opportunity to file comments on this report within 20 business days of filing by ITAC. Comments in opposition to the ITAC determination shall cite and defend that proposal which the commentator believes best meets or exceeds the requirements of Section 13-703(b) of the Act, this Part, and the RFP.
- B) The ITAC Board shall have the opportunity to file a response to the comments within 10 business days of the close of the comment period.
- C) Based upon the requirements of Section 13-703(b) of the Act, this Part, and the RFP, the Commission shall either approve the ITAC



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determination and direct ITAC to develop and issue a new RFP according to the requirements of this Part or deny the ITAC determination and specify a proposal which the ITAC shall be directed to accept.

- 3) If after evaluating all proposals the ITAC Board determines that it is able to accept a proposal, this determination and a report citing the Board's rationale for its selection shall be filed with the Commission.

A) The Advisory Council and the Staff Liaison shall have the opportunity to file comments on this report within 20 business days following the filing by ITAC. Comments in opposition to the ITAC selection shall either:

- i) Advise the Commission to direct the ITAC to accept another proposal. In this case, the commentator shall cite the specific deficiencies of the ITAC selection. The commentator shall also cite and defend another proposal, which the commentator believes best meets or exceeds the requirements of Section 13-703(b) of the Act, this Part, and the RFP; or

- ii) Advise the Commission to direct the ITAC to accept none of the proposals and to develop and issue a new RFP according to the requirements of this Part. In this case, the commentator shall cite the specific deficiencies of each proposal.

B) The ITAC Board shall have the opportunity to file a response to the comments within 10 business days of the close of the comment period.

C) Based upon the requirements of the Act, this Part, and the RFP, the Commission shall either:

- i) Approve the ITAC selection and direct the Board to accept the proposal;

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- ii) Deny the ITAC selection and specify another proposal which the ITAC shall be directed to accept; or

- iii) Deny the ITAC selection and direct the Board to develop and issue a new RFP according to the requirements of this Part.

(Source: Amended at Ill. Reg. , effective )

## Section 756.120 System Provider Interactions

- a) Upon Commission approval and ITAC acceptance of a proposal, the ITAC and the selected respondent shall draft a contract which each LEC shall approve and concur in as a party. The terms of the contract shall be consistent with the conditions of the proposal. This contract shall be filed with the Commission by a petition pursuant to 83 Ill. Adm. Code 200 and shall take effect only upon Commission approval. The Commission shall approve the contract if it is consistent with the specifications of Section 13-703(b) of the Act, this Part, the RFP, and the selected proposal.

- b) Upon Commission approval of the contract, the selected respondent shall be designated as the system provider.

- c) In addition to the provisions of subsection (a), the following general conditions shall apply to the contract between ITAC and the system provider:

- 1) The system provider shall comply with the reporting requirements in Section 756.215.
- 2) The ITAC and the LEC's shall perform a yearly evaluation of the system provider's operations to determine compliance with the contract. The system provider shall be required to address any reported service deficiencies.
- 3) The contract shall state the terms under which it ~~ITAC or the system provider~~ may be unilaterally terminated by ITAC or the system provider the agreement only upon 18 months advance notice.
- 4) ~~The contract shall have a duration of eight years.~~



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d5) At least 7 months prior to the termination of an approved contract, ITAC shall file a new RFP with propose to the Commission, 20 months prior to the termination date of the contract period, a new RFP, pursuant to Section 756.115, for the provision of a relay system.

e4) If the system provider is not an LEC, and the system provider has proposed a relay system which requires the system provider to employ tariffed LEC services or facilities, the system provider shall purchase those services or facilities at the appropriate tariffed rates. If the system provider employs LEC local access lines in any phase of completing relay-assisted calls, the LEC will bill the system provider for those access lines at the business service rate.

(Source: Amended at Ill. Reg. , effective )

## SUBPART C: RELAY SERVICE PROGRAM STANDARDS AND SPECIFICATIONS

## Section 756.200 Relay Service General Quality Standards

Service provided under this Part shall conform to 83 Ill. Adm. Code 730, unless specifically indicated otherwise in this Part. In addition, no rule in this Part is intended to discourage or impair the development of improved technology that fosters the availability of telecommunications to persons with disabilities.

(Source: Amended at Ill. Reg. , effective )

## Section 756.205 Relay Service Operations and Specifications

a) Relay service as described in Section 756.100 shall be provided via a relay system operating at all times (24 hours a day, 7 days a week, 52 weeks a year) for all Illinois exchanges.

b) Relay service shall have adequate redundancy features functionally equivalent to the equipment in normal central offices, including uninterruptible power for emergency use be provided through one relay center, located in the 312 Numbering Plan Area (NPA) of MSA-17 operated by the system provider.

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c) The relay system shall be initially designed to handle on a statewide basis 50,000 calls per month, with capabilities to expand the initially established facilities to handle 200,000 calls per month.

d) The relay system shall be accessed by callers via a toll-free telephone number(s). Callers shall be required to dial (enter) no more than 11 digits in order to access the relay system.

e) The relay system shall include adequate staffing to provide callers with efficient access under projected calling volumes, so that the probability of a busy response due to CA unavailability shall be functionally equivalent to what a voice caller would experience, as defined in 83 Ill. Adm. Code Part 730.520, in attempting to reach a party through the voice telephone network. ~~Trunks coming into the relay center(s) shall be of sufficient capacity so that an average of not more than 1 in 100 calls receives a "busy signal."~~

f) The relay system shall answer 85% of all calls within 10 seconds and relay service shall begin within 30 seconds of answering. Therefore, for 85% of all calls, the actual transfer of information shall begin within 40 seconds. ~~Within two years following the initiation of relay system operations, the Commission shall determine and fix through amendatory rulemaking of this Part an answering time objective (i.e. the percentage of calls answered within a specific time) for the relay system.~~

g) The relay system shall receive and transmit ~~TT~~ ~~PPP~~ signals in either Baudot or ASCII codes, according to the preference of the originator or recipient of a ~~TT~~ ~~PPP~~ call. The relay center(s) equipment shall be designed with capabilities to automatically identify incoming ~~TT~~ ~~PPP~~ signals as either Baudot or ASCII transmissions and to adjust transmissions from the relay center to the code employed by the incoming ~~TT~~ ~~PPP~~ signal.

h) The relay center(s) shall create for each relay-assisted call an Extended Message Record (EMR). The record shall contain, at a minimum, the following information:

- 1) Telephone number or credit card number to be billed - NPA-Prefix-Line Number



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- 2) Terminating Telephone Number - NPA-Prefix-Line Number
- 3) Originating Telephone Number - NPA-Prefix-Line Number

4) Date

5) Start time

6) End time

i) The system provider shall forward the EMR for each call to the appropriate LEC or IXC within fourteen days of the date such service was supplied, and billing shall take place by the next appropriate billing period.

j) There system provider shall be process all single or sequential calls and will not time limit on the duration of calls connections made through the relay system.

k) The system provider shall provide as standard features both VCO and HCO technology.

l) The system provider shall be permitted to decline to complete a call because credit authorization is denied.

(Source: Amended at Ill. Reg. , effective )

Section 756.210 Communications Assistant Relay Service Operator Standards

a) Each CA relay-system-operator shall be trained to be familiar with the special communications needs of persons with disabilities who employ the use of a TT are hearing-impaired. The system provider shall request such training from organizations with prior experience in the provision of services to persons with disabilities the hearing-impaired-community. In addition, each CA shall have competent skills in typing, grammar, spelling, interpretation of typewritten ASL, and familiarity with hearing and speech disability cultures, languages and etiquette.

b) CA's Relay-system-operators shall keep all communicated information strictly confidential, except as otherwise required or permitted by law.

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1) Except for purposes of billing calls and as otherwise required or permitted by law, CA's operators shall not reveal information about any call, including the fact that the call occurred.

2) When training new CA's operators by the method of sharing past experiences, the trainers shall not reveal any of the following information:

- A) Names, genders, or ages of the parties to the call;
- B) Originating or terminating points of call; and
- C) Specifics of the information conveyed in the call.

c) CA's shall not intentionally alter a relayed conversation and must relay all conversations verbatim unless the user specifically requests summarization. Relay-system-operators shall convey the full content, context, and intent of the communications they translate, using language most readily understood by the person receiving the information.

d) CA's Relay-system-operators shall not counsel, advise or interject personal opinions or additional information into any communication which they are translating.

e) Relay-system-operators shall be available to accept calls in English and the written syntax of American Sign language.

ef) If requested by the originating caller, CA's relay-system operators shall attempt to complete calls 3 times, consecutively, without delay when receiving busy signals.

fg) Any paper printouts made at a relay center of communications conducted over the relay service shall be destroyed at the completion of the call within 4 hours of the conclusion of the communications except as otherwise required or permitted by law.

gh) No CA relay-system-operator shall disconnect a call against the wishes of the originating and terminating parties without first obtaining the permission of the CA's relay-system-operators supervisor. In the instance that a call is terminated, the supervisor shall log the



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reason for the termination and sign the log. The supervisor shall authorize such disconnections only in instances in which the caller is abusive to or intentionally uncooperative with the CA relay-system-operator.

h) All CA relay-system-operator-handled calls shall be carefully supervised. Disconnects shall be made promptly at the end of each call.

i) Upon receiving an emergency call from a TT PDP user, a CA relay-system-operator shall attempt to complete the call to a Public Safety Answering Point number which the caller supplied and which can be directly accessed by the CA relay-system-operator.

(Source: Amended at Ill. Reg. , effective )

## Section 756.220 Relay Service Billing and Collection Procedures

a) Upon receipt of an EMR from the system provider, each LEC and any IXC that bills any Illinois customer directly or through an agent other than an LEC for intrastate interstate relay service whose rates are incorporated into the LEC's tariff in accordance with Section 756.125(a)(2)(D) shall:

- 1) Calculate the charges for each call pursuant to the tariff specifications of Section 756.125(a);
- 2) Credit the amount of the charge for each call to an account for remittance to ITAC at the end of the period; and
- 3) Post the amount of the charge for each call to the appropriate customer account for billing.

b) For relay-assisted calls which originate and terminate in the same local calling area which receives LEC service on a "flat rate" basis or which receives LEC service on a "local measured service" basis where customers are allowed an amount of unbilled usage, each LEC shall:

- 1) Determine on a monthly basis the actual number of these calls placed through the relay system by the LEC's customers;

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2) Perform a separate study to determine the amount of usage revenue associated with all local calls (i.e., revenue associated with calls in excess of a monthly call allowance) on a per call basis;

3) Apply this revenue per call figure to the number of calls which originate and terminate in the same local calling area, and which are placed through the relay system by the LEC's customers; and

4) Post the resultant revenue to an account for remittance to ITAC at the end of the period.

c) Any disputes or customer refusals to pay charges assessed for relay-assisted calls shall be governed by Section 756.15.

d) Uncollectible charges for relay-assisted calls shall be determined and treated the same as an LEC's or such IXC's other uncollectible charges.

e) Nonpayment of charges for relay-assisted calls shall be treated the same as nonpayment of other monthly charges collected from customers by LEC's or such IXC's.

f) Each LEC and such IXC shall record the costs incurred in the billing and collection of relay-assisted calls. Each LEC and such IXC shall report these costs to ITAC for direct reimbursement from the revenues generated pursuant to Section 13-703(c) of the Act.

(Source: Amended at Ill. Reg. , effective )

## SUBPART D: OVERSIGHT AND REVIEW

## Section 756.300 Staff Liaison

The Executive Director of the Illinois Commerce Commission shall appoint one Staff member to act as Staff Liaison to the programs required by Section 13-703 of the Act. The Staff Liaison shall serve as a contact person and advisor to the Advisory Council for the relay system program.

(Source: Amended at Ill. Reg. , effective )



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## NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Determination of Unemployment Contributions

- 2) Code Citation: 56 Ill. Adm. Code 2770

- 3) Section Number:  
 2770.100 Amended Section  
 2770.105 Amended Section  
 2770.110 Amended Section

- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, par. 570, 571, 573, 576.1, 576.2, 578.1, 610 and 611.

- 5) A Complete Description of the Subjects and Issues Involved:  
 The proposed amendment to Part 2770 announces the 1993 contribution rates for newly liable employers by classification within their Standard Industrial Code. In keeping with our commitment to the Joint Committee on Administrative Rules, we are also repealing several obsolete subsections and the rates for 1987 as they are no longer needed.

- 6) Will the proposed amendment replace an emergency amendment currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed amendment contain an incorporation by reference pursuant to Section 6.02 of the Illinois Administrative Procedure Act? No.

- 9) Are there any other proposed amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objective? Not Applicable.

- 11) Time, Place and Manner in which interested persons may comment on this Proposed Rulemaking: All persons who submit a request to comment regarding this proposed amendment within 20 days after this notice has been published in the ILLINOIS REGISTER will be given a reasonable opportunity to submit data, views, arguments or comments. The request shall be addressed to:

Gregory J. Ramel, Acting Commissioner  
 Illinois Department of Employment Security  
 401 South State Street - 2nd Floor South  
 Chicago, IL 60605  
 312-793-4240

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- 12) Initial Regulatory Flexibility Analysis:

Date rules were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: October 2, 1992.

Types of small businesses affected: Affects all newly liable employers who have not qualified for an experience based rate.

Reporting, bookkeeping or other procedures required for compliance: None.

Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendment(s) begins on the next page:



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## NOTICE OF PROPOSED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY  
SUBCHAPTER C: RIGHTS AND DUTIES OF EMPLOYERS

## PART 2770

## DETERMINATION OF UNEMPLOYMENT CONTRIBUTIONS

## SUBPART B: STANDARD INDUSTRIAL CLASSIFICATION

Section  
2770.100 Industrial Classification  
2770.105 Contribution Rate For Non Experience-Rated Employers  
2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes

## SUBPART C: ALTERNATIVE BENEFIT WAGE RATIO (Repealed)

2770.150 Eligibility To Elect The Alternative Benefit Wage Ratio (Repealed)  
2770.155 Approval Of Election Of The Alternative Benefit Wage Ratio (Repealed)  
2770.160 Adjustment Of The Benefit Wage Charges And The Determination Of The Alternative Benefit Wage Ratio (Repealed)  
2770.165 Revocation Of Election Of Alternative Benefit Wage Ratio (Repealed)  
2770.170 Appeals (Repealed)

## SUBPART E: TRANSFER OF BENEFIT WAGES FROM BASE PERIOD TO SUBSEQUENT EMPLOYER (Repealed)

2770.400 Definitions (Repealed)  
2770.405 Application Of Base Period Wages (Repealed)  
2770.410 Restriction On Benefit Wage Transfers (Repealed)  
2770.415 Benefit Wage Transfer Procedural Requirements (Repealed)  
2770.420 Petition For Hearing (Repealed)

## SUBPART F: BENEFIT WAGE CANCELLATIONS

2770.501 Effective Date Of Benefit Wage Cancellations Pursuant To Section 1508.1 Of The Act

## 2770. Table A General SIC Classification

AUTHORITY: Implementing and authorized by Sections 1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701 of the Unemployment Insurance Act (Ill. Rev. Stat. 1991, ch. 48, pars. 570, 571, 573, 576.1, 576.2, 576.3, 578.1, 610 and 611).

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SOURCE: Emergency rules adopted as 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 550, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 8208, effective May 30, 1984; recodified from 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 15030; emergency amendments at 8 Ill. Reg. 15088, effective August 8, 1984, for a maximum of 150 days; emergency amendments at 8 Ill. Reg. 22139, effective October 26, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 24117, effective November 30, 1984; amended at 9 Ill. Reg. 4507, effective March 25, 1985; amended at 10 Ill. Reg. 6935, effective April 14, 1986; amended at 10 Ill. Reg. 21683, effective December 15, 1986; amended at 11 Ill. Reg. 9878, effective May 11, 1987; emergency amendments at 12 Ill. Reg. 210, effective January 1, 1988, for a maximum of 150 days, expired May 30, 1988; amended at 12 Ill. Reg. 11213, effective June 20, 1988; amended at 12 Ill. Reg. 12473, effective July 15, 1988; amended at 12 Ill. Reg. 18143, effective October 27, 1988; amended at 12 Ill. Reg. 20477, effective November 28, 1988; amended at 13 Ill. Reg. 11507, effective June 29, 1989; amended at 14 Ill. Reg. 2038, effective January 19, 1990; amended at 14 Ill. Reg. 18280, effective October 30, 1990; amended at 15 Ill. Reg. 172, effective December 28, 1990; amended at 15 Ill. Reg. 8553, effective May 24, 1991; amended at 16 Ill. Reg. 118, effective December 20, 1991; amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: STANDARD INDUSTRIAL CLASSIFICATION

## Section 2770.100 Industrial Classification

a) Each employer subject to the Act shall be assigned an industrial classification number based on its primary activity.

1) Each employer shall be assigned to a major Economic Division based on the first two digits of the industrial classification number:

| Digits | Economic Division  |
|--------|--|
| 01-09  | A. Agriculture, Forestry, Fishing                                  |
| 10-14  | B. Mining  |
| 15-17  | C. Construction  |
| 20-39  | D. Manufacturing   |
| 40-49  | E. Transportation, Communication, Electric, Gas, Sanitary Services |
| 50-51  | F. Wholesale Trade   |
| 52-59  | G. Retail Trade  |
| 60-67  | H. Finance, Insurance, Real Estate                                 |



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- 70-89 I. Services  
91-97 J. Public Administration  
99 K. Nonclassifiable Establishments
- 2) The methodology for the above classifications shall be based upon the Standard Industrial Classification Manual, U. S. Office of Management and Budget (1972), and supplemented by the U.S. Department of Labor, Bureau of Labor Statistics, January 1983, which shall be incorporated and adopted by reference.

- 3) The general classifications to be used shall be those set forth in Table A.

- b) Each employer not eligible for an experience rate and in an Economic Division where the mean average contribution rate for experience rated employers is greater than the rates set forth in Section 2770.105(a)(1) or (2) or (b)(1), or (2), or (3) or (4) or (5), as applicable, shall be notified in writing of its industrial classification and rate of contribution.

- c) An industrial classification which is properly assigned pursuant to subsection (a)(2) at the beginning of each calendar year or the date of liability, whichever is later, shall be final and conclusive for rate determination purposes for that entire calendar year.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 2770.105 Contribution Rate For Non Experience-Rated Employers

- a) For calendar years 1984, 1985, and 1986, the contribution rate under Section 1500(B) of the Act, for each employer who has not incurred liability for the payment of contributions within each of the two calendar years immediately preceding the calendar year for which a rate is being determined, shall be the greater of:
- 1) 2.7%, plus any applicable emergency rate, as imposed by Section 1506.2 of the Act (Ill. Rev. Stat. 1985, ch. 48, par. 576-2), or
- 2) 2.7%, multiplied by the adjusted state experience factor, plus any applicable emergency rate, as imposed by Section 1506.2 of the Act (Ill. Rev. Stat. 1985, ch. 48, par. 576-2), or

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- 3) The mean average contribution rate of all experience-rated employers within the specific Economic Division, plus any applicable emergency rate, as imposed by Section 1506.2 of the Act (Ill. Rev. Stat. 1985, ch. 48, par. 576-2).

- A) The mean average contribution rate for an Economic Division shall be determined by adding the rates of all experience-rated employers in that division and dividing such sum by the number of such employers. Such rate computation shall be made for each of the applicable years for six-month periods, as of July 31 of the preceding year. Any change in the industrial classification or the contribution rate of the experience-rated employers made after the date of computation shall not affect the established average rate for the Economic Division.

- B) Experience-rated employers whose liability was terminated on or before July 31 of the calendar year used for the above computation, shall be included for computation purposes, unless prior to such date, a successor has succeeded to the experience rating record of such employer. In such instances, only the successor rate shall be used.

b)

- For calendar year 1987, the contribution rate under Section 1500(B) of the Act, for each employer who has not incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined, shall be the greater of:

- 1) 2.7%, plus any applicable emergency rate, as imposed by Section 1506.2 of the Act (Ill. Rev. Stat. 1985, ch. 48, par. 576-2), or
- 2) 2.7%, multiplied by the adjusted state experience factor, plus any applicable emergency rate, as imposed by Section 1506.2 of the Act (Ill. Rev. Stat. 1985, ch. 48, par. 576-2), or



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3) The mean average contribution rate of all experience-rated employers within the specific Economic Division, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act (Ill. Rev. Stat. 1985, ch. 48, par. 576.2);

A) The mean average contribution rate for an Economic Division shall be determined by adding the rates of all experience-rated employers in that division and dividing such sum by the number of such employers. Such rate computation shall be made for each of the applicable years (for six-month periods), as of July 31 of the preceding year. Any change in the industrial classification or the contribution rate of the experience-rated employers made after the date of computation shall not affect the established average rate for the Economic Division.

B) Experience-rated employers whose liability was terminated on or before July 31 of the calendar year used for the above computation, shall be included for computation purposes, unless prior to such date, a successor has succeeded to the experience rating record of such employer. In such instances, only the successor rate shall be used.

e) For calendar year 1988, the contribution rate under Section 1500(B) of the Act, for each employer who has not incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined, shall be the greater of:

- 1) 2.7%, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act (Ill. Rev. Stat. 198791, ch. 48, par. 576.3); or,
- 2) 2.7%, multiplied by the adjusted state experience factor, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act; or,

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3) The mean average contribution rate of all experience-rated employers within the specific Economic Division, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act.

A) The mean average contribution rate for an Economic Division shall be determined by adding the rates of all experience-rated employers in that division and dividing such sum by the number of such employers. Such rate computation shall be made for each of the applicable years as of July 31 of the preceding year. Any change in the industrial classification or the contribution rate of the experience-rated employers made after the date of computation shall not affect the established average rate for the Economic Division.

B) Experience-rated employers whose liability was terminated on or before July 31 of the calendar year used in the above computation, shall be included for computation purposes, unless prior to such date, a successor has succeeded to the experience rating record of such employer. In such instances, only the successor rate shall be used.

db) For calendar year 1989, and each year thereafter, the contribution rate under Section 1500(B) of the Act, for each employer who has not incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined, shall be the greater of:

- 1) 2.7%, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act (Ill. Rev. Stat. 198791, ch. 48, par. 576.3); or,
- 2) 2.7%, multiplied by the adjusted state experience factor, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act; or,
- 3) The employer's contribution rate calculated pursuant to Sections 1501 to 1507 of the Act



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(Ill. Rev. Stat. 198791, ch. 48, pars. 571 to 577), but only if this employer has had at least 13 consecutive months experience with the risk of unemployment by the June 30 preceding the calendar year for which a rate is being determined, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act; or,

4) The mean average contribution rate of all experience-rated employers within the specific Economic Division, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act.

A) The mean average contribution rate for an Economic Division shall be determined by adding the rates of all experience-rated employers in that division and dividing such sum by the number of such employers. Such rate computation shall be made for each of the applicable years as of July 31 of the preceding year. Any change in the industrial classification or the contribution rate of the experience-rated employers made after the date of computation shall not affect the established average rate for the Economic Division.

B) Experience-rated employers whose liability was terminated on or before July 31 of the calendar year used in the above computation, shall be included for computation purposes, unless prior to such date, a successor has succeeded to the experience rating record of such employer. In such instances, only the successor rate shall be used.

ec) The mean average contribution rate for each Economic Division, determined pursuant to subsection (a)(3)(A) and (B), or (b)(34)(A) and (B), or (c)(37)(A) and (B), shall be announced annually by the Director, during the last quarter of the year preceding the applicable year.

fd) Appeals from any determinations under Section 2770.100 or 2770.105 shall be taken pursuant to and governed by Section 1509 of the Act.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes

a) The average contribution rate for each Economic Division, excluding the applicable emergency rate, for calendar year 1987, as determined by the application of Section 2770.105(b)(3), shall be:

| Digits | Economic Division  | Rate |
|--------|--|------|
| 01-09  | A. Agriculture, Forestry, Fishing                                  | 3.3% |
| 10-14  | B. Mining  | 3.9% |
| 15-17  | C. Construction  | 4.4% |
| 20-39  | D. Manufacturing   | 3.3% |
| 40-49  | E. Transportation, Communication, Electric, Gas, Sanitary Services | 3.2% |
| 50-51  | F. Wholesale Trade   | 2.5% |
| 52-59  | G. Retail Trade  | 2.6% |
| 60-67  | H. Finance, Insurance, Real Estate                                 | 1.8% |
| 70-89  | I. Services  | 2.6% |
| 90-99  | J. Public Administration   | 2.3% |
|        | K. Nonclassifiable Establishments                                  | 2.6% |

b) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1988, as determined by the application of Section 2770.105(ea)(3) of this Part shall be:

| Digits | Economic Division  | Rate |
|--------|--|------|
| 01-09  | A. Agriculture, Forestry, Fishing                                  | 3.4% |
| 10-14  | B. Mining  | 4.6% |
| 15-17  | C. Construction  | 4.5% |
| 20-39  | D. Manufacturing   | 3.2% |
| 40-49  | E. Transportation, Communication, Electric, Gas, Sanitary Services | 3.2% |
| 50-51  | F. Wholesale Trade   | 2.4% |
| 52-59  | G. Retail Trade  | 2.5% |
| 60-67  | H. Finance, Insurance, Real Estate                                 | 1.5% |
| 70-89  | I. Services  | 1.9% |



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91-97 J. Public Administration 2.1%  
99 K. Nonclassifiable Establishments 2.1%

70-89 I. Services 1.6%  
91-97 J. Public Administration 2.3%  
99 K. Nonclassifiable Establishments 2.2%

eb) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1989, as determined by the application of Section 2770.105(d)(4) of this Part, shall be:

| Digits | Economic Division  | Rate |
|--------|--|------|
| 01-09  | A. Agriculture, Forestry, Fishing                                  | 3.4% |
| 10-14  | B. Mining  | 4.8% |
| 15-17  | C. Construction  | 4.2% |
| 20-39  | D. Manufacturing   | 2.9% |
| 40-49  | E. Transportation, Communication, Electric, Gas, Sanitary Services | 3.0% |
| 50-51  | F. Wholesale Trade   | 2.2% |
| 52-59  | G. Retail Trade  | 2.3% |
| 60-67  | H. Finance, Insurance, Real Estate                                 | 1.4% |
| 70-89  | I. Services  | 1.7% |
| 91-97  | J. Public Administration   | 2.5% |
| 99     | K. Nonclassifiable Establishments                                  | 1.9% |

ec) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1990, as determined by the application of Section 2770.105(d)(4) of this Part, shall be:

| Digits | Economic Division  | Rate |
|--------|--|------|
| 01-09  | A. Agriculture, Forestry, Fishing                                  | 3.3% |
| 10-14  | B. Mining  | 4.7% |
| 15-17  | C. Construction  | 4.1% |
| 20-39  | D. Manufacturing   | 2.7% |
| 40-49  | E. Transportation, Communication, Electric, Gas, Sanitary Services | 2.8% |
| 50-51  | F. Wholesale Trade   | 2.0% |
| 52-59  | G. Retail Trade  | 2.1% |
| 60-67  | H. Finance, Insurance, Real Estate                                 | 1.4% |

ed) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1991, as determined by the application of Section 2770.105(d)(4) of this Part, shall be:

| Digits | Economic Division  | Rate |
|--------|--|------|
| 01-09  | A. Agriculture, Forestry, Fishing                                  | 3.1% |
| 10-14  | B. Mining  | 4.3% |
| 15-17  | C. Construction  | 3.7% |
| 20-39  | D. Manufacturing   | 2.2% |
| 40-49  | E. Transportation, Communication, Electric, Gas, Sanitary Services | 2.5% |
| 50-51  | F. Wholesale Trade   | 1.7% |
| 52-59  | G. Retail Trade  | 1.8% |
| 60-67  | H. Finance, Insurance, Real Estate                                 | 1.3% |
| 70-89  | I. Services  | 1.5% |
| 91-97  | J. Public Administration   | 2.0% |
| 99     | K. Nonclassifiable Establishments                                  | 2.1% |

ee) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1992, as determined by the application of Section 2770.105(d)(4) of this Part, shall be:

| Digits | Economic Division  | Rate |
|--------|--|------|
| 01-09  | A. Agriculture, Forestry, Fishing                                  | 2.9% |
| 10-14  | B. Mining  | 3.8% |
| 15-17  | C. Construction  | 3.5% |
| 20-39  | D. Manufacturing   | 2.0% |
| 40-49  | E. Transportation, Communication, Electric, Gas, Sanitary Services | 2.3% |
| 50-51  | F. Wholesale Trade   | 1.5% |
| 52-59  | G. Retail Trade  | 1.6% |



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|-------|----|---------------------------------|------|
| 60-67 | H. | Finance, Insurance, Real Estate | 1.2% |
| 70-89 | I. | Services                        | 1.3% |
| 91-97 | J. | Public Administration           | 1.7% |
| 99    | K. | Nonclassifiable Establishments  | 2.1% |

f) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1993, as determined by the application of Section 2770.105(b)(4) of this Part, shall be:

| Digits | Economic Division  | Rate |
|--------|--|------|
| 01-09  | A. Agriculture, Forestry, Fishing                                  | 3.0% |
| 10-14  | B. Mining  | 3.6% |
| 15-17  | C. Construction  | 3.7% |
| 20-39  | D. Manufacturing   | 2.2% |
| 40-49  | E. Transportation, Communication, Electric, Gas, Sanitary Services | 2.2% |
| 50-51  | F. Wholesale Trade   | 1.6% |
| 52-59  | G. Retail Trade  | 1.4% |
| 60-67  | H. Finance, Insurance, Real Estate                                 | 1.2% |
| 70-89  | I. Services  | 1.3% |
| 91-97  | J. Public Administration   | 1.5% |
| 99     | K. Nonclassifiable Establishments                                  | 1.8% |

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Payment Of Unemployment Contributions, Interest And Penalties
- 2) Code Citation: 56 Ill. Adm. Code 2765
- 3) Section Number:  
 2765.328 Proposed Action:  
 2765.329 Amended Section  
 2765.330 New Section  
 2765.333 Amended Section  
 2765.334 Amended Section  
 2765.335 Amended Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, pars. 322, 382, 420, 431, 432, 433, 442, 451, 550, 551, 552, 553, 554, 555, 572.1, 573, 578, 579, 610, 611, 681, 681.1 and 750, as amended by P.A. 87-1178, effective September 22, 1992.
- 5) A Complete Description of the Subjects and Issues Involved:  
 These proposed amendments set forth the Director's interpretation of how the recent amendments to Section 1502.1 of the Unemployment Insurance Act with respect to the moveable, chargeable employer, charges to an employer for an individual who was separated from work due to his incarceration and non-charging for certain second benefit year claims are to be applied. These amendments also indicate when each of these changes become effective.
- 6) Will the proposed amendment replace an emergency amendment currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain an incorporation by reference pursuant to Section 6.02 of the Illinois Administrative Procedure Act? No.
- 9) Are there any other proposed amendments pending on this Part? Yes.

| Section Numbers | Proposed Action | Illinois Register Citation         |
|-----------------|-----------------|------------------------------------|
| 2765.5          | Amended Section | 16 Ill. Reg. 12006 (July 31, 1992) |
| 2765.50         | Amended Section | 16 Ill. Reg. 12006 (July 31, 1992) |
| 2765.64         | New Section     | 16 Ill. Reg. 12006 (July 31, 1992) |







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## SUBPART B: EXPERIENCE RATING

2765.200 Effect Of A Successor Employing Unit's Failure To Notify The Director Of Its Succession

2765.210 Prohibition On Withdrawal Of Joint Application For Partial Transfer Of Experience Rating Record

2765.220 Determination Of Benefit Wage And Benefit Ratio Requirement For Privy In Order To Have A Predecessor Successor Relationship

2765.225 No Requirement For Continuous Operation In Order For A Predecessor Successor Relationship To Exist

2765.230 Effect Of A Transfer Of Physical Assets On A Finding That A Predecessor Successor Relationship Exists

## SUBPART C: BENEFIT CHARGES

2765.325 Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act

2765.326 Requirement For A Separation Or A Reduction In The Work Offered In Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act

2765.328 What Constitutes A Day For Purposes Of The "30 Day" Requirement In Section 1502.1 Of The Act

2765.329 Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act For Benefit Years Beginning On Or After January 1, 1993

2765.330 Chargeability Where The Individual Is Discharged As A Result Of His Incarceration

2765.332 Effect Of Ineligibility Under Section 602(B) On Chargeability Under Section 1502.1 Of The Act

2765.333 Effect Of Ineligibility Under Section 612 On Chargeability Under Section 1502.1 Of The Act

2765.334 Effect Of Ineligibility Under Section 614 On Chargeability Under Section 1502.1 Of The Act

2765.335 Procedural Requirements And Right Of Appeal

AUTHORITY: Implementing and authorized by Sections 212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701, 2201, 2201.1 and 2600 of the Unemployment Insurance Act, as amended by P. A. 87-1178, effective September 22, 1992 (Ill. Rev. Stat. 1991, ch. 48, pars. 322, 382, 420, 431, 432, 433, 442, 451, 550, 551, 552, 553, 554, 555, 572.1, 573, 577, 578, 579, 610, 611, 681, 681.1 and 750).

SOURCE: Adopted at 6 Ill. Reg. 3863, effective March 31, 1982; amended at 7 Ill. Reg. 13266, effective September 28, 1983; recodified at 8 Ill. Reg. 15027; amended at 11 Ill. Reg. 3972, effective

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February 23, 1987; amended at 11 Ill. Reg. 11743, effective June 26, 1987; amended at 11 Ill. Reg. 12882, effective July 22, 1987; emergency amendments at 12 Ill. Reg. 225, effective January 1, 1988, for a maximum of 150 days, expired May 30, 1988; amended at 12 Ill. Reg. 11740, effective July 5, 1988; amended at 12 Ill. Reg. 17342, effective October 12, 1988; amended at 12 Ill. Reg. 20484, effective November 28, 1988; emergency amendments at 13 Ill. Reg. 11911, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17410, effective October 30, 1989; amended at 14 Ill. Reg. 6218, effective April 16, 1990; amended at 14 Ill. Reg. 19886, effective November 29, 1990; amended at 15 Ill. Reg. 185, effective December 28, 1990; amended at 15 Ill. Reg. 11122, effective July 19, 1991; amended at 16 Ill. Reg. 2131, effective January 27, 1992, 1992; 16 Ill. Reg. 12165, effective July 20, 1992; amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1993.

## SUBPART A: GENERAL PROVISIONS

Section 2765.328 What Constitutes A Day For Purposes Of The "30 Day" Requirement In Section 1502.1 Of The Act

a) The 30 day requirement, set forth in Section 2765.325, shall include any day on which any services are actually performed for the employer by the individual prior to the date of separation. The 30 day requirement, set forth in Section 2765.329, shall include any day on which any services are actually performed for the employer by the individual prior to the first of the week (Sunday) with respect to which the chargeable employer is being determined. If a shift covers two calendar days, only one day shall be included in determining whether the 30 day requirement has been met. The day included is the one on which the individual's shift begins. Paid sick days, vacation days, holidays or other similar paid, non-working days (e.g. "show-up" or stand-by pay days) shall not be counted toward meeting the 30 day requirement. Payments for wages in lieu of notice, pension or other retirement type payments or for severance pay also do not meet the requirements of this Section.

1) Example: The individual works a shift which begins at 10 pm on Monday and ends at 7 am on Tuesday. While this individual performs services for this employer on two calendar days, for the purpose of determining whether the 30 day requirement set



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forth in Section 1502.1 of the Act has been met, the individual's shift counts as only one day of service, Monday.

- 2) Example: The individual begins his shift at noon but becomes ill fifteen minutes later. Since the individual performed services for the employer for fifteen minutes, one day is counted toward meeting the 30 day requirement.
- 3) Example: The individual is scheduled to work on a certain day but fails to report for work because he is ill. Even if the employer provides paid sick leave to the individual for that day, it will not be counted toward the 30 day requirement.
- 4) Example: The individual receives paid sick leave from Company A, a nonprofit corporation, which elects to make payments in lieu of contributions, for 35 days during his base period. He has no other employment with Company A during his base period. He also performs services during his base period for Company B, a liable, contributing employer. After being laid off by Company B, he returns to Company A for 30 days before being again laid off. Company A will be liable for an amount equal to 100% of the benefits paid to this individual as payments in lieu of contributions. This is because Company A is the last employer of this individual; the 30 day requirement is met by the individual's employment; and the paid sick leave constitutes wages for insured work paid during the individual's base period.

5) Example: Upon the permanent layoff of an individual, the employer pays that individual for any unused, accrued vacation time that the individual is due and grants him severance pay in the amount of one day's pay for each year of continuous service. These payments are not included for the purpose of determining whether this employer has met the 30 day requirement.

6) Example: The individual works a four day work week, that is, instead of working eight hours per day, five days per week, he works ten hours per day, four days per week. Even if the individual's ten hour shift extends over two calendar days, each

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shift still counts as only one day, and this individual will have worked only four days in a normal work week.

- 7) Example: The individual had filed a new benefit year claim, effective January 10, 1993. He then works on Thursday, January 21, 1993, Friday, January 22, 1993, Saturday, January 23, 1993, and Sunday, January 24, 1993, for Company A before being laid off for lack of work. He files a claim for and is paid benefits for the week ending January 30, 1993. In determining the chargeable employer for that week, Sunday, January 24, 1993, is not counted in determining if this individual performed services for Company A for 30 days. This is because Sunday, January 24, 1993, does not occur prior to the beginning of the week with respect to which a chargeable employer is being determined.

b) Overtime work or working additional shifts shall not be included in determining whether the 30 day requirement has been met unless there is at least 6 hours between the beginning of the overtime work or the additional shift and the end of the prior shift and the overtime work or additional shift does not occur on a day which will otherwise be included in meeting the 30 day requirement.

- 1) Example: The individual's normal shift ends at 3 am, and he is asked to work the next shift which begins at 4 am. Even if he works both shifts, only one day will be counted toward meeting the 30 day requirement since there is not at least 6 hours between the shifts.

2) Example: The individual's shift ends at 3 am on Saturday, and he is asked to return to work for an additional overtime shift from 9 am until 2 pm. He must then return to work at 7 pm to work his regular shift. This overtime work does not count as an additional day toward meeting the 30 day requirement because his regular shift begins that same day and would already be included in meeting the 30 day requirement.

- 3) Example: The individual's normal shift begins at 3 pm and ends at 11 pm. However, he is required to work four hours of overtime every day so that he does not complete his shift until 3 am. This



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shift still counts as only one day toward the 30 day requirement.

Example: Immediately prior to filing his claim for unemployment benefits for the week beginning on January 24, 1993, the individual provides services to Company A, a liable, contributing employer, for 20 days. Prior to this period, he provides services to Company B, a liable, contributing employer, for 30 days. Prior to working for Company B and throughout his base period, the individual has provided at least 10 days of service to Company A. Company A is the chargeable employer and is liable for any benefit charges which might accrue as a result of any benefits paid to this individual for the week ending January 30, 1993. Company A is the individual's last employer prior to the beginning of the week beginning on January 24, 1993 because he provided services to Company A during at least 30 days during the period from the beginning of his base period to the beginning of the week beginning on January 24, 1993. Pursuant to Section 1502.1 of the Act, it is not necessary for the 30 days of services by the individual to be consecutive.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1993)

## Section 2765.329

Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act For Benefit Years Beginning On Or After January 1, 1993

- a) Effective with benefit years beginning on or after January 1, 1993, except as provided in the other subsections of this Section and in Sections 2765.326, 2765.330, 2765.332, 2765.333 and 2765.334, the last employer, prior to the beginning of each week claimed by the individual, for whom the individual provided services during at least 30 days beginning with the first day of the individual's base period (which is defined at Section 237 of the Act) but prior to the beginning of the week claimed shall be liable for the benefit charges or payments in lieu of contributions, as the case may be, which result from any benefits paid to that individual for that week of unemployment. Unless stated to the contrary, each of the examples in this Section assumes a benefit year beginning date on or after January 1, 1993.

- 1) Example: Prior to the beginning of the week beginning on January 24, 1993, the individual provides services only to Company A, a liable, contributing employer, for over ten years. Company A is this individual's chargeable employer with respect to this individual for the week ending January 30, 1993 because Company A is the individual's last employer of at least 30 days prior to the beginning of the week beginning on January 24, 1993. If, after claiming benefits for a few weeks, this individual provides services to Company B, a liable, contributing employer, for six months, is laid off by Company B and files an additional claim, Company B will be the chargeable employer of this individual with respect to any benefit charges which might accrue with respect to weeks which are paid to the individual after the effective date of the additional claim.

- 3) Example: The individual is employed on an as-needed basis (some weeks the individual might work four days, other weeks he might not work at all) for Company A, a liable, contributing employer. While so employed by Company A, the individual is also employed on a full time basis for Company B, a liable, contributing employer. The individual is laid off by Company B and is offered two days of work by Company A. After working for these two days, no other work is currently available with Company A, and the individual files a claim for benefits for the week ending January 23, 1993. If the individual has provided services to Company A for at least 30 days since the beginning of his base period, Company A will be liable for any benefit charges which might accrue as a result of any benefits which might be paid to this individual for this week. This is because, despite the individual's full time employment with Company B, the individual's last employer for whom he provided services of at least 30 days during the applicable period was Company A, and it was his separation from Company A that caused the individual to become "unemployed."



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4) Example: Assume the same facts as in subsection (a)(3), except that, instead of being an as-needed employee, the individual continues to provide less than full time services to Company A and earns less than his weekly benefit amount. In that case, Section 2765.326 shall apply, and Company B will be the chargeable employer because it caused this individual to become unemployed as defined in Section 239 of the Act.

5) Example: The individual is a substitute teacher. Whenever he is available to teach, he calls in for assignments with his school district, a local governmental entity which has elected to make payments in lieu of contributions. During the first semester of the school year, he teaches only 32 days. He, however, did not work for the school district during his base period. If he now files a claim for benefits, his school district will be liable for 50% of any payments in lieu of contributions which would result if he would be paid benefits. This is because, despite his services being performed over a five month period, the school district is the last employer prior to the first day of week with respect to which he is claiming benefits and he has performed the required 30 days of services during the applicable period. The employer is only liable for 50% of the amount of the benefits paid because the individual performed no services for this employer during his base period (see Section 1405(B) of the Act).

6) Example: The individual performed services for 25 days during his base period for City A, a local governmental entity which has elected to make payments in lieu of contributions. He then performs services for Company B, a liable, contributing employer for approximately ten months. After being laid off by Company B, he is again employed by City A which then lays him off after he has performed services five days. City A will be liable for payments in lieu of contributions equal to 100% of the benefits paid to this individual. This is because City A is the individual's last employer prior to the first day of the week with respect to which the

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individual claimed benefits, and this individual performed services for at least 30 days beginning with the start of his base period and prior to the beginning of the week with respect to which the individual claimed benefits. City A is liable for 100% of the benefits paid because, in addition to being the chargeable employer as provided in this subsection, the individual also provided services for this employer during his base period. If this employer had met the requirements to be the chargeable employer but this individual had not provided services to this employer during his base period, then this employer would have been liable for only 50% of the payments in lieu of contributions made to this individual as in subsection (a)(5). Should this individual return to work for Company B and again become eligible for benefits, Company B would be the chargeable employer with respect to any weeks which occur after this subsequent separation.

7) Example: The individual is employed by several different employers from the beginning of his base period until the beginning of the first week with respect to which he claims benefits. However, he does not perform services for at least 30 days for any single employer during this period. Therefore, there is no chargeable employer for that week or for any subsequent weeks, and no employer will be liable for either the benefit charges or payments in lieu of contributions as a result of payments made to this individual until such time as the claimant has performed services for an employer for at least 30 days.

8) Example: An individual is employed during his entire base period for Company A, a liable, contributing employer. After being laid off by Company A, he performs services for at least 30 days for the State of Illinois, which makes payments in lieu of contributions pursuant to Section 1403 of the Act. If this individual files a claim for benefits, the State of Illinois will be liable for an amount equal to 50% of the benefits paid to this individual since the State of Illinois is the chargeable employer but not a base period employer.



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- 9) Example: An individual files a claim with a benefit year which begins on December 1, 1992. Company A is determined to be the chargeable employer with respect to this claim. The individual returns to work on January 5, 1993, and performs services for 30 days for Company B before being laid off and filing an additional claim. Despite having worked for Company B for 30 days, Company A remains the chargeable employer in this case because the benefit year began prior to January 1, 1993.
- 10) An individual is laid off of work by Company A and files a new claim, effective January 24, 1993. Company A is found to be the chargeable employer. Thereafter, the individual obtains a part time job with Company B and works four days each week. However, she never earns over her weekly benefit amount in any week. Even after working for Company B for more than 30 days, Company A remains the chargeable employer. This is because Company B has not separated this individual nor caused her to become unemployed as a result of a reduction of the work offered, as required by Section 1502.1. If Company B either lays this individual off or reduces the amount of work offered, then it would become the chargeable employer.
- 11) An individual is employed by Easy Living Realty as a secretary for 45 days during his base period. He leaves Easy Living Realty and obtains work as a secretary for Victorian Realty for 10 days. He is then promoted to being a real estate salesman, paid solely by commission. After working as salesman for several months, he is laid off from this job. He then files a claim for benefits. Easy Living Realty is the chargeable employer in this case. The time that this individual spent as a real estate salesman for Victorian Realty is not included in determining whether he was employed for 30 days for that employer because such services do not constitute employment under the Act.
- 12) An individual is employed by Company A for 29 days before being laid off from his job. He then files an unemployment insurance claim with a benefit year beginning date of January 24,

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1993. On February 15, 1993, this individual returns to work for Company A and works only one day. For any weeks beginning after February 15, Company A meets the requirements to be the chargeable employer.
- b) If, with respect to a week, the last organization or person for whom the individual provided at least 30 days of service is not an employer, as defined by Section 205 of the Act, then no employer shall be the chargeable employer for that week, and any benefit charges or payments in lieu of contributions which accrue as a result of benefits paid to the individual for that week shall not become the benefit charges or the amounts due of any employer. Whether the last organization or person for whom the individual provided at least 30 days of service is an employer, as defined by Section 205 of the Act, is determined as of the last day of the week for which the claim is made and is unaffected by a later determination of liability based on events which occur after that week. However, if it is later determined that the organization or person has become an employer under the Act, the organization or person can be the chargeable employer for any weeks occurring after the date on which the organization or person became liable.
- 1) Example: An individual is employed during his entire base period for Company A, a liable, contributing employer. He then leaves Illinois and performs services in California for at least 30 days for an organization which is not liable under the Act. If this individual is laid off from his California job and files a claim against Illinois based on his Illinois base period wages, no employer shall be liable for any benefit charges for any benefit payments made to this individual with respect to weeks for which the California organization was the last entity to employ the individual. This is because the California organization is not an employer under the Act and, therefore, cannot be the chargeable employer under this Section. However, if this individual would return to work for Company A and then again become eligible for benefits, Company A would be the chargeable employer with respect to any weeks which occur after this later separation from Company A.



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2) Example: An individual is employed during his entire base period for Company A, a liable, contributing employer. After being laid off by Company A, he performs services for at least 30 days for the U. S. Postal Service, which is not an employer under the Act and for which reimbursement for any benefits paid is determined pursuant to Federal Regulations. He is then laid off by the Postal Service. If this individual files a claim for benefits, no employer shall be liable for any benefit charges for any benefit payments made to this individual. This is because the U. S. Postal Service is not an employer under the Act and, therefore, cannot be the chargeable employer under this Section. However, if this individual would return to work for Company A and then again become eligible for benefits, Company A would be the chargeable employer with respect to any weeks which occur after this later separation from Company A.

determination is not based on events which occurred prior to the week beginning January 17, 1993. Therefore, Company A can be held to be the chargeable employer of this individual for the week ending January 23, 1993.

c) Notwithstanding any other provision of this Subpart, with respect to a week of benefits claimed, no employer shall be the chargeable employer of an individual who was either discharged for misconduct connected with the work or voluntarily left such employer without good cause or refused to accept an offer of or to apply for suitable work from that employer without good cause. Unless a subsequent employer paid the individual an amount equal to his weekly benefit amount in each of four weeks after the beginning of the week in question, any payments which might result in benefit charges for that week will be pooled and not charged to any employer. However, if the circumstances of the voluntary quit are those described in Section 601(B)(1) or Section 601(B)(2) of the Act, then, any payments which might result in benefit charges will become pooled costs and not be charged to any employer.

3) Example: An individual files a claim for benefits, effective March 28, 1993, after having last been employed by Company A which began business as of January 1, 1993. As of March 28, 1993, Company A is not an employer under the Act because it has not yet had one or more employees in each of twenty or more weeks nor has it paid at least \$1,500 in wages in a calendar quarter. However, as of September 4, 1993, it has one or more employees in each of twenty or more weeks, and, therefore, its liability is made retroactive to January 1, 1993. In this case, Company A will be the chargeable employer only with respect to any weeks which begin after September 3, 1993, because, while the effective date of its liability is January 1, 1993, it did not meet the criteria for liability under the Act until September 4, 1993.

4) Example: An individual files a claim for benefits for the week ending January 23, 1993, after having last been employed by Company A which claims that it is not liable under the Act because it has no employees. On September 10, 1993, there is a determination and assessment, covering all of 1992 and the first two quarters of 1993, which becomes final and which holds that Company A is liable for unpaid contributions on the wages of workers whom Company A had not considered employees. This

1) Example: The individual quits Company A where he performed services for at least 30 days to accept employment with Company B where he works for two weeks and earns in excess of his weekly benefit amount. He is then laid off and files a claim for benefits for the week ending January 23, 1993. Company A is the individual's last employer prior to the beginning of the week ending on January 23, 1993, and the individual provided services to Company A during at least 30 days during the period from the beginning of the individual's base period to the beginning of the week beginning on January 24, 1993. Pursuant to Section 601(B)(2) of the Act, this individual is not ineligible for benefits. However, no employer will be charged for the benefits paid to the individual for the week ending January 23, 1993. This is because the individual quit his job with Company A without good cause but under the circumstances described in Section 601(B)(2) of the Act.

2) Example: The individual is held to be ineligible for benefits by the claims adjudicator, Referee, Board of Review or court as a result of his



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discharge for misconduct by Company A, a liable, contributing employer. Thereafter, he returns to work and performs services for Company B, a liable, contributing employer, for three days per week for three weeks and is then laid off. However, he does earn an amount in excess of his weekly benefit amount in each of these weeks. He then performs services for Company C for one week and earns in excess of his weekly benefit amount before being laid off for lack of work and claims benefits for the week ending January 23, 1993. The individual is eligible for benefits because he met the qualification requirements of Section 602 of the Act. No employer will be the chargeable employer of this individual for the week ending January 23, 1993 because he was discharged for misconduct connected with his work and because, after his discharge, there was no single employer which paid him an amount equal to or in excess of his weekly benefit amount in each of four weeks. However, if this individual later returns to work for Company B and performs services for an additional 21 days before being laid off, Company B could be the chargeable employer with respect to any weeks which occur subsequent to this separation.

- 3) Example: The individual is discharged from Company A, files a claim for benefits for the week ending January 23, 1993 and is determined to be ineligible under Section 602 of the Act. He then returns to work for Company A and earns in excess of his weekly benefit amount in each of four weeks. He is then laid off by Company A. Thereafter, he performs services for Company B for less than 30 days before being laid off. Company A will be this individual's chargeable employer with respect to any weeks subsequent to this second separation from it because it was the individual's single employer following his discharge for misconduct, is an employer under the Act and paid the individual an amount necessary to qualify for benefits. If this individual had performed services for Company B for 30 days, then it would be this individual's chargeable employer.

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- 4) Example: Assume the same facts as in subsection (c)(3) except that, after performing services 30 days for Company B, the individual was discharged for misconduct connected with his work. In this case, no employer will be the chargeable employer with respect to this subsequent separation because Company B cannot be the chargeable employer of an individual if it discharged him for misconduct connected with his work.
- 5) Example: Assume the same facts as in subsection (c)(3) except that Company B, which employed the individual for 30 days, is not an employer under the Act. In this case, no employer will be charged as a result of any benefits paid to this individual after his second separation (unless a later chargeable employer is found for subsequent weeks). This is because, even though the individual qualified for benefits by earning an amount equal to or in excess of his weekly benefit amount in each of four weeks from Company A, he was subsequently employed for 30 days by Company B, an organization which is not subject to the Act.
- 6) Example: An individual is employed by Company A for several months and performs services for Company A for at least 30 days before being laid off for lack of work. The individual does not file a claim for benefits immediately but goes on vacation. When he returns from vacation, Company A offers the individual a suitable job which he refuses without good cause. However, during that same week, he is hired by Company B where he then performs services for less than 30 days but earns in excess of his weekly benefit amount in each of four weeks. When he is laid off by Company B, the individual files a claim for benefits for the week ending January 23, 1993. He is not subject to disqualification for his refusal of work from Company A because he has had sufficient earnings from Company B to purge any possible disqualification. Company A will not be charged for benefit charges which result from payments to this individual because the individual refused the Company's offer of suitable work without good cause. Company B is not the employer which paid the claimant earnings which allowed him to requalify because the individual was never



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disqualified. Company B did not employ this individual for at least 30 days. Therefore, in this case, no employer will be the chargeable employer for the week ending January 23, 1993 and thereafter until such time as there is an employer which meets the requirements of the Act to be chargeable.

- d) If no employer meets the requirements of this Subpart to be the chargeable employer for the second of two consecutive benefit years, then no employer will be the chargeable employer for that second benefit year (effective with benefit years beginning on or after September 22, 1992).

Example: The individual files a claim after being employed at several temporary jobs. Company A employed this individual for 30 days during the first quarter of his base period. No subsequent employer employed this individual for 30 days. Company A is the chargeable employer. This individual then files a second benefit year claim.

His employment with Company A occurred prior to the base period of the second benefit year claim, and no subsequent employer employed him for at least 30 days. Therefore, no employer will be chargeable for this claim. However, if the second benefit year began after January 1, 1993, while no employer might initially be liable for any benefit charges, should this individual become employed and then later unemployed, a subsequent employer could be liable for any charges which might accrue after that period of unemployment.

- e) Notice that a claim for benefits has been filed will be sent by the Agency to every employing unit for whom the individual provided services, subsequent to the services provided to the chargeable employer.

(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1993)

## Section 2765.330

Chargeability Where The Individual Is  
Discharged As A Result Of His Incarceration

Effective with respect to the payment of benefits for weeks which occur on or after September 22, 1992, an employer shall not be the chargeable employer, if that employer would otherwise be the chargeable employer but the individual is separated from that

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employer as a result of the individual's detention, incarceration or imprisonment under State, local or federal law. The benefit charges or payments in lieu of contributions with respect to this individual for this period shall be pooled and not chargeable to any employer.

- a) Example: An individual is arrested on his way to work. He calls the employer to inform it that he cannot make bail so he cannot report to work. The employer replaces the individual because it needs to continue its production uninterrupted. The charges are later dismissed against the individual, and he files a new benefit year claim effective November 1, 1992. Because he was discharged for a reason other than misconduct connected with his work, the individual is eligible for benefits. It is determined that the employer would otherwise be the chargeable employer. Any benefit charges or payments in lieu of contributions as a result of benefits paid to this individual shall be pooled and not chargeable to any employer.

- b) Example: The individual informs his employer that he has been sentenced to jail for 30 days for a non-work related offense. He requests a leave of absence for this period, but it is denied because he does not meet the employer's criteria for such a leave. While the claimant is in jail, the employer, Company A, replaces the individual. After he is released from jail, the individual returns to the employer, but no work is available. He then files a new benefit year claim effective January 10, 1993. The individual is eligible for benefits, and is paid for the period from January 17, 1993 through January 30, 1993, when he goes to work for another employer, Company B. Any benefit charges or payments in lieu of contributions as a result of benefits paid to this individual for the period from January 17, 1993 through January 30, 1993 shall be pooled and not chargeable to any employer. If this individual is subsequently separated from Company B and if Company B is determined to be the chargeable employer for any subsequent weeks, any benefit charges or payments in lieu of contributions as a result of benefits paid to this individual for the subsequent weeks will be charged to Company B. However, if Company A would otherwise be the chargeable employer with respect to this subsequent period, any benefit charges or payments in lieu of contributions as a result of benefits paid to this individual for this subsequent period shall be pooled.



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- c) Example: An individual is arrested on his way to work. He calls the employer to inform it that he cannot make bail so he cannot report to work. The employer replaces the individual because it needs to continue its production uninterrupted. The charges are later dismissed against the individual, and he files a new benefit year claim effective March 1, 1992. Because he was discharged for a reason other than misconduct connected with his work, the individual is eligible for benefits. It is determined that the employer is the chargeable employer. However, any benefit charges or payments in lieu of contributions as a result of benefits paid to this individual for weeks beginning on or after September 22, 1992 shall be pooled and not chargeable to any employer. This employer remains the chargeable employer for weeks beginning prior to September 22, 1992.

(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1993)

Section 2765.333 Effect Of Ineligibility Under Section 612 On Chargeability Under Section 1502.1 Of The Act

Whenever the individual's last employer is an educational institution or is an educational service agency, then such educational institution or educational service agency shall not be liable for benefit charges on the basis of benefits paid to that individual during the period between two consecutive academic years or terms if such individual has a reasonable assurance that he will perform service in any capacity for any educational institution or educational service agency in the second of such academic years or terms. In such instances, it is not necessary that the individual be ineligible under Section 612 of the Act if Section 612 would have applied if the individual had had wages from an educational institution or educational service agency during his base period. This Section shall also apply to payments in lieu of contributions.

- a) Example: An individual is employed as a teacher for a public school. However, during his base period, he earned sufficient wages from a non-educational employer to qualify for benefits. If this individual is held to be ineligible during a period between academic terms on the basis of his wages from the public school, he could still qualify for benefits based on his wages from the non-educational employer. Even if the public school

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would otherwise be the individual's last employer pursuant to this Subpart, the public school will not be liable for any benefit charges which might accrue as a result of payments to that individual during his period of ineligibility under Section 612 of the Act. If a prior employer meets the requirements of this Subpart and Section 1502.1 of the Act, it would be the chargeable employer. If no prior employer meets these requirements, then the charges will be pooled.

- b) Example: The individual is employed by a private employer during his entire base period. Thereafter he obtains work as a teacher for a public school. When he is off of work during the summer, the individual applies for unemployment insurance benefits. If this individual has a reasonable assurance in the second academic year or term, then the public school is the last employer during this period, but it will not be liable for any benefit charges or payments in lieu of contributions which might accrue as the result of payments made to this individual. In such case, any benefit charges will be pooled.

- c) Example: The individual is employed by a private employer during his entire base period. Thereafter he obtains work as a teacher for a public school. He is discharged by the school for non-disqualifying reasons and files a new claim with a benefit year beginning January 10, 1993. He is then paid benefits for the period from January 10, 1993 through January 30, 1993, at which time he is rehired by this same public school. If the school meets the other requirements for chargeability, it will be liable for any benefit charges or payments in lieu of contributions which accrue for this period. However, if this same individual is then off of work during the summer and has a reasonable assurance of similar employment in the second academic year or term, while the public school would otherwise be the chargeable employer during this period, it will not be liable for any benefit charges or payments in lieu of contributions which might accrue as the result of payments made to this individual during the period. In such case, any benefit charges will be pooled. However, this pooling occurs only for the period of ineligibility or potential ineligibility under Section 612 of the Act.



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d) Example: Assume the same facts as in c) above, except that the individual is later laid off for lack of work by the school district for the week ending October 16, 1993. The school district will be the chargeable employer for this week.

e) Example: The individual is employed by Company A for 2 years until his layoff in May, 1993. He is then employed for 20 days by a public school district as a teacher. He is laid off for the summer vacation but has a reasonable assurance of reemployment by the school district when the new academic year or term begins. The individual is not ineligible for benefits under Section 612 of the Act because he was not employed by the school district during his base period. Because Company A is the last employer for whom this individual performed services for at least 30 days, it is the chargeable employer for any weeks paid to this individual during the summer period. Section 1502.1A(3)(a)(5) of the Act does not apply to this situation because Company A is not the employer that laid the individual off between academic years or terms.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1993)

Section 2765.334      Effect Of Ineligibility Under Section 614 On Chargeability Under Section 1502.1 Of The Act

Pursuant to Section 614 of the Act, an individual shall be ineligible, on the basis of wages earned during his base period unless he was either lawfully admitted to this country for permanent residence or otherwise was permanently residing in this country under color of law. Because this ineligibility could affect some, but not all, of the individual's base period wages, it is possible that the individual could be held ineligible under Section 614 of the Act but still qualify for benefits based on base period wages paid after he was either lawfully admitted to this country for permanent residence or otherwise was permanently residing in this country under color of law. In determining whether an employer is the individual's chargeable employer under this Subpart, no day on which the individual was not either lawfully admitted to this country for permanent residence or otherwise was permanently residing in this country under color of law will be counted in determining whether the individual performed services for the employer for at least 30 days.

1) Example: The individual applied for and was granted permanent resident status on July 1, 1988. He worked for Company A, a liable, contributing employer, continuously from January 1, 1988, to the date of his separation on May 1, 1989. His base period began on January 1, 1988. Under Section 614 of the Act, the individual is not eligible for benefits based on the wages paid prior to July 1, 1988, because he was not either lawfully admitted to this country for permanent residence or otherwise was permanently residing in this country under color of law during this time. However, he might still be eligible for benefits based on his earnings during the third and fourth quarters of 1988. Company A will be the individual's chargeable employer under this Subpart because, even not counting the days of employment from January 1, 1988 to June 30, 1988, the individual performed services for Company A for 30 days from the beginning of his base period to the beginning of his claim for unemployment insurance benefits.

2) Example: The individual applied for and was granted permanent resident status on July 1, 1992. He worked full time for Company A, a liable, contributing employer, continuously from January 1, 1988, to the date of his separation on April 30, 1993. He filed his new benefit year claim, beginning May 2, 1993. His base period began on January 1, 1992. Under Section 614 of the Act, the individual is not eligible for benefits based on the wages paid prior to July 1, 1992, because he was not either lawfully admitted to this country for permanent residence or otherwise was permanently residing in this country under color of law during this time. However, he is eligible for benefits based on his earnings during the third and fourth quarters of 1992, and he is paid benefits from May 2, 1993 through May 29, 1993. Company A will be the individual's chargeable employer under this Subpart because, even not counting the days of employment from January 1, 1988 to June 30, 1992, this individual performed services for Company A for 30 days from the beginning of his base period to the beginning of the week with respect to which he files a claim for unemployment insurance benefits.



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- 3) Example: The individual applied for and was granted permanent resident status on July 1, 1992. He worked full time for Company A, a liable, contributing employer, continuously from January 1, 1988, to the date of his separation on June 30, 1992. He then worked for Company B for the period from July 1, 1992 to the date of his separation on March 15, 1993. He then returned to work for Company A and performed services for this employer for five weeks (25 days). He filed his new benefit year claim, beginning May 2, 1993. His base period began on January 1, 1992. Under Section 614 of the Act, the individual is not eligible for benefits based on the wages paid prior to July 1, 1992, because he was not either lawfully admitted to this country for permanent residence or otherwise was permanently residing in this country under color of law during this time. However, he is eligible for benefits based on his earnings during the third and fourth quarters of 1992, and he is paid benefits from May 2, 1993 through May 29, 1993. Company B will be the individual's chargeable employer under this Subpart because this individual performed services for Company B for 30 days from the beginning of his base period to the beginning of the week with respect to which he files a claim for unemployment insurance benefits. Company A cannot be the chargeable employer with respect to these weeks because the individual had not performed services for it for 30 days since the days on which he performed services prior to July 1, 1992 cannot be counted in determining whether the individual performed services for 30 days. However, if this individual would return to work for Company A and perform services for an additional 5 days, Company A would be the chargeable employer for any weeks which begin after the individual performed services for these additional days.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1993)

## Section 2765.335 Procedural Requirements And Right Of Appeal

- a) Pursuant to Section 701 of the Act, whenever the Claims Adjudicator decides that an employer is the "last employer" of an individual (employer subject to benefit charges or payments in lieu of contributions) as provided in this Subpart, he shall promptly notify

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the employer of this decision. With respect to benefit years beginning on or after January 1, 1993, such decision shall apply to the week beginning with the effective date of the claim and each week thereafter until the claims adjudicator finds that the individual is no longer unemployed.

Example: An individual files a claim with a benefit year beginning date of January 10, 1993, and Company A is notified that it is the "last employer". The employer fails to file a timely request for reconsideration of this decision. The individual is then paid benefits for the period from January 10, 1993 through January 30, 1993. Company A is the chargeable employer for this period. The individual returns to work for Company A and earns over his weekly benefit amount for the week ending February 6, 1993. He is then laid off of work and files an additional claim beginning February 7, 1993. Company A is notified that it is the "last employer" with respect to this claim. Company A can file a timely request for reconsideration of this decision. However, this request will affect only weeks after February 6, 1993.

- b) If the employer disagrees with the decision of the claims adjudicator that he is the "last employer," the employer must file a written request for reconsideration of this decision within 10 days of the date of mailing of the decision.
- c) A request for reconsideration of the decision of the claims adjudicator must comply with the requirements of 56 Ill. Adm. Code 2720.130 and specify the full name and social security number of the individual and the reasons why the employer believes that it is not the chargeable employer under this Subpart.
- d) After reviewing the allegations of the employer and any other relevant facts in the record, the claims adjudicator shall issue a reconsidered decision. If the employer disagrees with the reconsidered decision of the claims adjudicator that he is the chargeable employer, the employer must file a written appeal of this reconsidered decision within 30 days of the date of mailing of the reconsidered decision or that reconsidered decision will become final.



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e) An Application made pursuant to Section 1508 of the Act and 56 Ill. Adm. Code 2725.100 regarding revision of the "Statement of Benefit Charges," which includes benefit charges which the employer believes are incorrect because it is not the chargeable employer shall be sufficient only if such Application contains a reference to and a copy of the decision which reverses the claims adjudicator and holds that the employer is not the chargeable employer. These same requirements must be met by an employer which is questioning payments in lieu of contributions on its "Statement of Amount Due for Benefits Paid."

f) Unless the employer has filed a timely request for reconsideration of the decision that the claims adjudicator has found it to be the chargeable employer, pursuant to this Subpart, such employer shall not be entitled to a revision of its "Statement of Benefit Charges" under 56 Ill. Adm. Code 2725.100 nor shall it be entitled to a revision of the amounts shown on its "Statement of Amount Due for Benefits Paid" for payments in lieu of contributions.

Example: Employer A is notified that it is the chargeable employer with respect to a week paid to an individual in a benefit year beginning on or after January 1, 1993. The employer does not request reconsideration of this decision. Several weeks later, this employer is served with its "Statement of Benefit Charges for the weeks paid to this individual. At this time, the employer requests a revision of the "Statement" on the grounds that this individual did not perform services for it for 30 days prior to the beginning of the weeks for which it is being charged. This employer shall not be entitled to a revision of these charges because it failed to file a timely request for reconsideration of the initial decision that it was the chargeable employer.

g) Appeals of decisions under this Section shall be filed with the local office where the original decision was made.

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h) The conduct of the hearing shall be the same as that provided under Section 2200 of the Act and 56 Ill. Adm. Code 2725.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1993)



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12) Initial Regulatory Flexibility Analysis:

1) Heading of Part: Fire Equipment Administrative Procedures

2) Code Citation: 41 Ill. Adm. Code 280

3) Section Numbers: Proposed Action:  
 280.10 New Section  
 280.20 New Section  
 280.30 New Section  
 280.40 New Section  
 280.50 New Section  
 280.60 New Section  
 280.65 New Section  
 280.70 New Section  
 280.75 New Section  
 280.80 New Section

4) Statutory Authority: Section 7 of the Fire Equipment Distributor and Employee Regulation Act (Ill. Rev. Stat. 1991, ch. 111, par. 8007).

5) A Complete Description of the Subjects and Issues Involved: These proposed rules are administrative procedures for the Fire Equipment Distributor and Employee program which outlines specifics on reporting and office practices for collection of fees, issuance of licenses, complaint and hearing procedures, and examinations, which are all mandated by this Act.

6) Will this proposed rule replace an emergency rule currently in effect?  
 No.

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed rules do not affect units of local government.

11) Time, Place, and Manner in which interested parties may comment on this proposed rulemaking: Any interested parties may submit written comments for a period of 30 days following publication of this notice to Jack Ahern, Deputy State Fire Marshal, 1035 Stevenson Drive, Springfield, Illinois, 62703-4259.

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: September 23, 1992
- B) Types of small businesses affected: Fire equipment distributors and their employees.
- C) Reporting, bookkeeping or other procedures required for compliance: Completion of applications provided by the Office, payment of requisite licensing fees, proof of insurance, and processing of invoices, when applicable.
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Rules begins on next page:



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TITLE 41: FIRE PROTECTION  
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 280  
FIRE EQUIPMENT ADMINISTRATIVE PROCEDURES

|         |  |
|---------|--|
| SECTION |  |
| 280.10  | Definitions  |
| 280.20  | Fire Equipment Distributor License                               |
| 280.30  | Fire Equipment Distributor Employee License                      |
| 280.40  | Examinations   |
| 280.50  | Miscellaneous Fees   |
| 280.60  | Complaints, Investigation, and Formal Charges                    |
| 280.65  | Administrative Hearing   |
| 280.70  | Grounds for Revocation, Suspension or Refusal to Issue a License |
| 280.75  | Sanctions to be Imposed for Violators                            |
| 280.80  | Exemptions to Licensing  |

AUTHORITY: Implementing and authorized by Section 7 of the Fire Equipment Distributor and Employee Regulation Act (Ill. Rev. Stat. 1991, Ch. 111, par. 8007).

SOURCE: Adopted at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 280.10 Definitions

"Act". the "Fire Equipment Distributor and Employee Regulation Act", Ill. Rev. Stat., 1991, ch. 111, par. 8001 et seq.

"Distributor License". An Annual license issued to a distributor upon submittal of requisite forms designated by the Office, and the payment of fees outlined in the Act.

"Employee". A licensee or person who is currently employed by a distributor licensed under this Act, whose full or part-time duties include servicing, recharging, hydro-testing, installing, maintaining, or inspecting all types of fire extinguishing devices or systems other than water sprinkler systems.

"Employee License". A license issued to an employee after submitting an application to the Office, paying the fees outlined in the Act, and successfully passing the requisite examinations. This license is to be renewed annually upon payment of requisite fees.

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"Fire Equipment Distributor". Any person, company or corporation which services, recharges, hydro-tests, inspects, installs, maintains, alters, repairs, or replaces fire extinguishing devices or systems, other than water sprinklers.

"NFPA" The term, NFPA, means the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts, 02269. The number following the NFPA is the standard number and is followed by the year designating the year of publication (or edition). Where the Office has adopted a standard, no later editions or amendments are included.

"Office". Office of the Illinois State Fire Marshal.

Section 280.20 Fire Equipment Distributor License

No person, fire association or corporation shall act as a Fire Equipment Distributor or as an agency licensed under this Act, or advertise or assume to act as such, or use any title that such person is engaged in such practice or occupation unless licensed by the Office.

a) Criteria for licensure as a Fire Equipment Distributor.

1) Any person, company, or corporation which services, recharges, installs, hydro-tests, inspects, maintains, alters, repairs, or replaces fire extinguishing devices or systems, other than water sprinkler systems, shall accomplish the following to become licensed as a Fire Equipment Distributor:

A) Submit a completed application to the Office (this form shall be provided by the Office).

B) Submit the annual license fee for:

i) Class A Fire Equipment Distributor License to service, recharge, hydro-test, install, maintain, or inspect all types of fire extinguishers shall be \$100.00.

ii) Class B Fire Equipment Distributor License to service, recharge, hydro-test, install, maintain, or inspect all types of pre-engineered fire extinguishing systems shall be \$200.00.



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- iii) Class C Fire Equipment Distributor license to service, repair, hydro-test, inspect or engineer all types of engineered fire suppression systems shall be \$300.00.
- C) Provide evidence of registration as an Illinois corporation or evidence of compliance with "An Act in relation to use of assumed name in the conduct or transaction of business in this State", approved July 17, 1941, as amended.
- D) Provide evidence of financial responsibility in a minimum amount of \$300,000 through liability insurance, self-insurance, group insurance, group self-insurance, risk retention group; and
- 2) Upon submission of the requisite information and fees, the applicant will be assigned a license number and issued a Certificate license. The Certificate shall be prominently displayed in the office of the distributor, or in such a location that the inspection may readily verify the Distributor's compliance with licensing requirements. This Certificate will bear the following information:
- Name and location of Distributor
  - License Number
  - Classifications(s)
  - Expiration date
  - Signature of the State Fire Marshal
- b) Renewal of Fire Equipment Distributor License
- The expiration and renewal dates for each Distributor licensed under this Part shall be at one year intervals. The Office will notify the Distributor, by issuance of an annual invoice, 30 days prior to the expiration of said license.
  - Failure to renew within the 60 days from the expiration date shall lapse the license. The lapsed license may not be reinstated until a written application is filed and the renewal and reinstatement fees are paid (see Section 260.50).

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- 3) Renewal and reinstatement fees shall be waived for persons who did not renew while on active duty with the military, and who file for renewal or restoration within 1 year after discharge from such service.
- c) Amending Current Distributor Licenses
- Any licensed Fire Equipment Distributor which changes its name, address, or business organization (partnership, corporation, or sole proprietorship) shall inform the Office within 15 days, in writing, of such changes, and make payment for any requisite processing fees (see Section 250.50).
  - Any licensed fire equipment distributor that currently holds a license from this Office, and applies for the additional classifications, and:
    - If the application is made during the term of their current license, prior to their current expiration date, the distributor shall:
      - Submit a completed application which specifies the classifications to be added; and
      - submit payment of those additional fees computed in accordance with Section 280.20(a)(1)(B).
      - The expiration date of the license the distributor currently holds will remain the same for all classifications of the license, new and existing.
  - Distributors may add classifications to the license on the expiration or renewal date:
    - Submit a completed application which specifies the classification to be added; and
    - submit payment of those additional fees and payment of renewal fees.
    - Payment of fees outlined in Section 250.50 and a new expiration date and license shall be issued.



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**Section 280.30 Fire Equipment Distributor Employee License**

An individual who is currently employed by a distributor licensed under this Act, whose full or part-time duties include servicing, recharging, hydro-testing, installing, repairing, maintaining, or inspecting all types of fire extinguishing devices and/or systems, other than water sprinkler systems, shall apply for a Fire Equipment Distributor Employee License. No person shall act as a Fire Equipment Distributor or Employee, or advertise or assume to act as such, or use any title implying that such person is engaged in such practice or occupation unless licensed by the Office.

- a) License Criteria for Fire Equipment Distributor Employee.
  - 1) An individual applying for a Class 1, 2, and/or 3 license shall only be allowed to apply, and be examined, for those classifications which correspond to those of the distributor. The individual shall:
    - A) Submit a completed application on forms provided by the Office;
    - B) Submit a payment for the requisite fees of \$20 per classification;
    - C) Submit two (2), 1" X 1" photographs.
    - D) Register for and pass the certification examinations (see Section 280.40).
    - E) Upon successful completion of the examination, the employee shall be licensed by the Office and issued an identification card. This identification card shall be carried at all times and available for inspection by Office personnel upon request.
  - 2) After December 31, 1991 employees of newly created distributorship in which no employee hold a license issued by the Office, will be subject to the following:
    - A) Employee shall complete application on forms provided by the Office.
    - B) Submit a payment for the requisite fees for \$20 per classification;
    - C) Submit two (2) 1" X 1" photographs.

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- D) The individual must register and be examined during the Office's next quarterly examination. Until such time as the individual takes the examination, the Office will issue a letter, which shall be carried by the individual. This letter will serve as an interim license and shall expire 30 days from the scheduled quarterly examination date.
  - E) If the individual fails to successfully complete the examination, he must then work as a trainee and follow the provisions outlined in 41 ILCS 250.
- b) Renewal of Fire Equipment Distributor Employee License
    - 1) The Office will notify the Distributor, by issuance of an annual invoice, 30 days prior to the expiration date of the employee license. The Distributor shall return the appropriate copies of the annual invoice, along with the following:
      - A) Requisite classification fees for the employee;
      - B) Two (2) 1" X 1" photographs of the employee;
      - C) Signed identification card for each employee (provided by the Office).
    - 2) Failure to renew within the 60 days from the expiration date shall lapse the license. The lapsed license may not be reinstated until a written application is filed, the renewal and the reinstatement fees are paid, (see Section 280.50).
    - 3) Renewal and reinstatement fees shall be waived for persons who did not renew while on active duty with the military, and who file for renewal or restoration within 1 year after discharge from such service.
  - c) Amending of Employee License.
    - 1) Any licensed fire equipment distributor employee that requests a change of name, address or distributorship shall inform the Office within 15 days, in writing, of such changes and make payment of any requisite processing fees (See Section 280.50).



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- 2) Any licensed fire equipment distributor employee that currently holds a license from this Office, and applies for the additional classifications, and:
- A) If the application is made during the term of their current license, prior to the current expiration date, the employee shall:
- i) Submit a completed application which specifies the classifications to be added; and
  - ii) Submit payment of additional fees computed in accordance with Section 280.50.
  - iii) Register for and successfully complete the requisite examination for classification which is to be added.
  - iv) The expiration date of the license the employee currently holds will remain the same for all classifications of the license, new and existing.

## d) Termination of Employment

- 1) Any licensed employee who terminates employment is subject to the following procedures:

- A) The terminated employee shall return the identification card, which was issued by the Office, to the Distributor;
- B) Within 10 days, the distributor shall notify the Office, in writing, of the termination and return the employee identification card;
- C) The identification card and notification letter will be held in file until such time as application is made on behalf of this employee by another licensed distributor. The expiration date of the employee license shall remain effective, and shall be transferred to the new distributor employee license for the remainder of the term. See Section 280.50 for requisite processing fees.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED RULES

## Section 280.40 Examinations

- a) These examinations will be developed, provided and administered by Office personnel. The Office will schedule examinations at sites throughout the state.
- b) The Office will follow the guidelines for testing as outlined in 41 Ill. Adm. Code Part 140.8 when applicable.
- c) Examinations will be developed and derived from 41 Ill. Adm. Code Part 250, the Act, and the following NFPA editions:

NFPA 10 (1988)  
 NFPA 96 (1987)  
 NFPA 17 (1985)  
 NFPA 17A (1986)  
 NFPA 12 (1989) except Sections 1-10.1 through 1-10.1.5 shall apply only to new or replacement piping and fittings.  
 NFPA 12A (1989) except Sections 1-10.1 through 1-10.1.6 shall apply only to new or replacement piping and fittings.  
 NFPA 12B (1985)  
 NFPA 11, (1988)  
 NFPA 11A, (1988)

## Section 280.50 Miscellaneous Fees

- a) Branch Office Fee. If a fire equipment distributor has more than one office in this state, a branch office is required. A fee of \$50.00 will be assessed for each branch office license.

- b) Office Processing Fees.

- 1) A fee of \$50.00 is required if a check or other order is returned by a financial institution twice because of insufficient funds. An additional fee of \$100.00 shall be imposed for practicing without a current license, if that license has lapsed.
- 2) A lost license, change of name or address, or the addition of classifications or employees to a distributorship shall have a fee of \$20.00 assessed.
- 3) A fee of \$100.00 per classification shall be assessed to distributors whose license have lapsed and \$20.00 for each employee license which have lapsed.



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED RULES

**Section 280.60 Complaints, Investigation, and Formal Charges**

a) Complaints. All complaints concerning violations regarding licensees or unlicensed activity shall be submitted to the Office of the State Fire Marshal, Division of Fire Prevention, in writing, and signed by the complainant.

b) Investigation.

1) Allegations of wrong doing on the part of the distributor or their employee, shall be investigated by the Office.

2) The Office may summarily suspend a license under this Act, without a hearing, simultaneously with the filing of formal complaint and notice for a hearing provided under this Section if the State Fire Marshal finds that the continued operations of the individual would constitute an immediate danger to the public. In the event the Office suspends a licensed under this subsection, a hearing by the hearing officer designated by the Office shall begin within 30 days after such suspension begins, unless continued at the request of the licensee.

3) The Office, through the Attorney General, the State's Attorney of any county, any resident of the State, or any legal entity within the State may apply for injunctive relief in any court to enjoin any person who has not been issued a license or whose license has been suspended, revoked, or not renewed, from practicing a licensed activity, or found to be guilty of the offenses outlined in Section 280.70.

c) Formal Charges.

1) Following the investigative process, the Office may file formal charges against the licensee. Such formal charges shall, at a minimum, inform the licensee of the facts which are the basis of the charge and which are specific enough to enable the licensee to defend himself. (Ill. Rev. Stat. 1991, ch. 111, 8019)

2) Each licensee whose conduct is the subject of a formal charge, and which the Office seeks to impose disciplinary action against the licensee, shall be served notice of said formal charge and hearing date at least 30 days before the date of the hearing.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED RULES

3) The notice of formal charge shall consist at a minimum of the following information (Ill. Rev. Stat. 1991, ch. 111, par. 8019):

A) The time, place and date of the hearing;

B) That the licensee shall have the right to appear personally at the hearing and may be represented by counsel;

C) That the licensee shall have the right to produce witnesses and evidence in his behalf and shall have the right to cross-examine witnesses and evidence produced against him;

D) That the hearing could result in disciplinary action being taken against his license;

E) That rules for the conduct of these hearings exist and it may be in his best interest to obtain a copy.

4) Service shall be considered to have been given if the notice was personally received by the licensee or if the notice was mailed certified, return requested to the licensee at the licensee's last known address as listed with the Office.

5) The Office may continue such hearing.

**Section 280.65 Administrative Hearing**

The hearing, as outlined in 41 Ill. Adm. Code 210.10, for addressing the formal charges shall:

(a) Be conducted in conformance with 41 Ill. Adm. Code Part 210.60; and

(b) Have a Hearing Officer present, who is authorized by the State Fire Marshal (41 Ill. Adm. Code 210.70) who shall preside over this Administrative Hearing.

(c) Any party to the formal charge may, in accordance with 41 Ill. Adm. Code 210.110, request a pre-hearing conference.

(d) Appearance at the administrative hearing shall be in conformance with 41 Ill. Adm. Code 210.50.



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED RULES

- (e) Continuance may be granted by the Hearing Officer for the grounds outlined in 41 Ill. Adm. Code Part 210.80.

- (f) All final administrative decisions of the Office are subject to judicial review pursuant to the provisions of the Administrative Review Law and the rules adopted pursuant thereto. Such proceedings for judicial review shall be commenced in the Circuit Court of the county in which the party applying for review resides; but if such party is not a resident of Illinois, the venue shall be in Sangamon County. (Ill. Rev. Stat. 1991, ch. 111, par. 8021)

### Section 280.70 Grounds for Revocation, Suspension or Refusal to Issue a License.

Licensees subject to this Act shall conduct their practice in accordance with the Act and with 41 Ill. Adm. Code Part 250, and this Part. Licensees shall be subject to the exercise of the disciplinary sanctions enumerated in Section 280.75 if the State Fire Marshal finds that a licensee is guilty of any of the following and those other grounds enumerated in Ill. Rev. Stat. 1991, ch. 111, par. 8017:

- a) Fraud or material deception in obtaining or renewing of a license;
- b) professional incompetence as manifested by poor standards of service;
- c) engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public in the course of professional services or activities;
- d) convictions of any crime by a licensee which has a substantial relationship to his practices or an essential element of which is misstatement, fraud or dishonesty, or conviction in this or another state of any crime which is a felony under the laws of Illinois or conviction of a felony in court, unless such person demonstrates that he has been sufficiently rehabilitated to warrant the public trust;
- e) performing any services in the grossly negligent manner or permitting any of his licensed employees to perform services in a grossly negligent manner, regardless of whether actual damage or damages to the public is established;

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED RULES

- f) contracting or assisting unlicensed person(s) to perform service(s) for which a license is required under this Act;
- g) permitting the use of his license to enable unlicensed person(s) or agency to operate as a licensee;
- h) performing and charging for services without having authorization to do so from the members of the public being serviced;
- i) failure to comply with any provision of this Act or the rules promulgated pursuant thereto;
- j) conducting business regulated by this Act without a currently valid license.

### Section 280.75 Sanctions to be Imposed for Violators

- a) The Office shall impose any of the following sanctions (Ill. Rev. Stat. 1991, ch. 111, par. 8020), singly or in combination when it finds that a licensee is guilty of any offense described in Ill. Rev. Stat. 1991, ch. 111, 8017 or Section 280.65 of this Part:

- 1) Revocation of license;
- 2) Suspension of license for any period of time;
- 3) Reprimand or censure;
- 4) Place on probationary status for a period of time and require the submission of any of the following:
  - A) Report regularly to the Office upon matters which are the basis of the probation;
  - B) Such other reasonable requirements or restrictions as are proper.
- 5) Refuse to issue, renew or restore the license;
- 6) Revoke probation which has been granted and impose any other discipline in this subsection (a) when the requirements of probation have not been fulfilled or have been violated.



NOTICE OF PROPOSED RULES

- b) The Office shall reinstate any license to good standing under this Act, upon recommendation to the Office, after a hearing before the hearing officer authorized by the Office. The Office shall be satisfied that the applicant's renewed practice is not contrary to public interest.
- c) The Office may conduct hearings and issue cease and desist orders to persons who engaged in activities prohibited by this Act without having a valid license, certificate or registration. Any person in violation of a cease and desist order entered by the Office shall be subject to all of the remedies provided by law, and in addition, shall be subject to a civil penalty payable to the parties injured by the violation.
- d) An order of revocation, suspension, placing the license on probationary status or other formal disciplinary action as the Office may deem proper, or a certified copy thereof, over the seal of the Office, and purporting to be signed by the Office, is prima facie proof that:
  - 1) Such signature is that of the Office;
  - 2) That Office is qualified to act; and
  - 3) The hearing officer is qualified to act on behalf of the Office.
- e) Upon the suspension or revocation of a license issued under this Act, a licensee shall surrender the license to the Office and upon failure to do so, the Office shall seize the same.

Section 280.80 Exemptions to Licensing

In accordance to Ill. Rev. Stat. 1991 ch. 111, par. 8004, this licensing requirement shall:

- a) Not apply to an officer or employee of this State, the fire department, or fire protection district of any political subdivision of this State while such officer or employee is engaged in the performance of his official duties within the course and scope of his employment with the State or any political subdivision. However, any such person who offers his services as a private fire equipment distributor or employee, or any title where similar services are performed for compensation, fee or other valuable consideration, whether received directly or indirectly, shall be subject to this Act and its licensing requirements.

NOTICE OF PROPOSED RULES

- b) Not apply to any entity regulated by the federal government in which employees of the company engage in such activities incidental to its own business, as long as properly trained.
- c) Not apply to any person, company or corporation employing 2,000 or more employees within the State of Illinois that engages in these activities incidental to its own business.



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Fire Prevention and Safety
- 2) Code citation: 41 Ill. Adm. Code 100
- 3) Section numbers:  
100.7  
Proposed Action:  
Amendment
- 4) Statutory Authority: Section 9 of AN ACT relating to the investigation and prevention of fire (Ill. Rev. Stat. 1989, ch. 127 1/2, pars. 9).
- 5) A Complete Description of the Subjects and Issues Involved: The Office is modifying certain requirements by adopting the 1991 Life Safety Code for new facilities created after the adoption of this amendment. Existing facilities will continue to fall under the requirements of the 1985 edition of the National Fire Protection Association 101, 1985 edition.
- 6) Will this proposed rule replace an emergency rule currently in effect?  
No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? Yes.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: The proposed amendment is believed to reduce regulatory burden and have no negative economic impact.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to Jack Ahern, Office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, Illinois 62703-4259.
- 12) Initial Regulatory Flexibility Analysis:
  - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: 09/23/92
  - B) Types of small businesses affected: Day care group homes, day care centers, hotels, motels, and apartments.
  - C) Reporting, bookkeeping or other procedures required for compliance: None.
  - D) Types of Professional skills necessary for compliance: None.

The full text of the Proposed Amendment begins on the next page:

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

TITLE 41: FIRE PROTECTION  
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 100  
FIRE PREVENTION AND SAFETY

| Section        |   |
|----------------|---|
| 100.1          | Introduction  |
| 100.3          | Title, Jurisdiction, Powers, Penalties, Right of Entry, Existing Structures |
| 100.4          | Building Construction Types   |
| 100.5          | Fire Areas  |
| 100.7          | Adoption of NFPA 101, Life Safety Code by Reference                         |
| 100.110        | Modification of N.F.P.A. 101 (1985) for Existing Child Care                 |
| 100.Appendix A | Modification of Standards Referenced in NFPA 101                            |

**AUTHORITY:** Implementing and authorized by Section 9 of "AN ACT relating to the investigation and prevention of fire" (Ill. Rev. Stat. 1989, ch. 127 1/2, par. 9)

**SOURCE:** Illinois Rules and Regulations for Fire Prevention and Safety, amended September 24, 1973; amended Jan. 8, 1974; Rules and Regulations relating to Fireworks filed October 8, 1974; codified at 5 Ill. Reg. 10673; amended at 6 Ill. Reg. 13021, effective December 15, 1982; amended at 7 Ill. Reg. 16399, effective January 1, 1984; amended at 9 Ill. Reg. 1009, effective July 1, 1985; Sections 100.81, 100.82 and 100.85 recodified to 41 Ill. Adm. Code 105.5, 105.10 and 105.20 at 11 Ill. Reg. 5992; Part repealed, new Part adopted at 12 Ill. Reg. 8017, effective August 1, 1988; emergency amendment t 13 Ill. Reg. 582, effective January 3, 1989, for a maximum of 150 days; emergency expired June 2, 1989; amended at 13 Ill. Reg. 12547, effective July 14, 1989; amended at 11 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 100.7 Adoption of NFPA 101, Life Safety Code By Reference**

- a) The Office of the State Fire Marshal adopts the "Code for Safety to Life from Fire in Buildings and Structures" as published by the National Fire Protection Association (NFPA 101) 1985 edition, Life Safety Code, for existing occupancies and adopts the National Fire Protection Association (NFPA 101) 1991 edition, Life Safety Code for any new occupancies, and does not include any later amendments or editions. The Life Safety Code becomes the code for Fire Prevention and Safety subject to the modifications set forth in this Part. NFPA 101, Life Safety Code (1985 Edition) is on file with the Office of the State Fire Marshal at the following locations:

THE COMMISSIONER



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

1035 Stevenson Drive  
Springfield, Illinois 62703-4259

State of Illinois Building  
100 W. Randolph Street  
Chicago, Illinois 60601

2209 West Main Street  
Marion, Illinois 62959

## b) Copies are available for purchase from:

National Fire Protection Association  
Batterymarch Park  
Quincy, MA 02269

(SOURCE: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

- |    |   |                                 |
|----|---|---------------------------------|
| 1) | Heading of the Part:<br>Grievance Procedure | Americans With Disabilities Act |
| 2) | Code Citation: 4 Ill. Adm. Code 700         |                                 |
| 3) | Section Numbers:                            | Proposed Action:                |
|    | 720.101                                     | New Section                     |
|    | 720.102                                     | New Section                     |
|    | 720.103                                     | New Section                     |
|    | 720.201                                     | New Section                     |
|    | 720.202                                     | New Section                     |
|    | 720.203                                     | New Section                     |
|    | 720.204                                     | New Section                     |

4) Statutory Authority: This rule - making implements Title II, Subtitle A, of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), and the regulations promulgated thereunder (28 CFR 35.107), and is authorized by Section 7.19 of the Illinois Housing Development Act (Ill.Rev.Stat. 1991, ch. 67 1/2, par. 307.19).

5) A Complete Description of the Subjects and Issues Involved:

As required by the Americans with Disabilities Act of 1990, these proposed rules establish a procedure whereby qualified persons with disabilities may resolve allegations of denial of public services or employment on the basis of disability.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These rules will not create or enlarge a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:



Richard B. Muller  
Senior Staff Attorney  
Illinois Housing Development Authority  
401 N. Michigan Avenue, Suite 900  
Chicago, Illinois 60611  
(312) 836-5327

12) Initial Regulatory Flexibility Analysis:

- A) Date rules were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: September 28, 1992.
- B) Types of small businesses affected: The grievance procedure set forth in this Part will not be applied to Illinois real estate developers and, therefore, will not affect small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance: Small businesses will not be required to undertake any reporting or bookkeeping activities pursuant to this Part.
- D) Types of professional skills necessary for compliance: No professional skills are required of small businesses pursuant to this Part.

The full text of the Proposed Rules begins on the next page:

## NOTICE OF PROPOSED RULES

TITLE 4: GRIEVANCE PROCEDURE  
CHAPTER XXV: ILLINOIS HOUSING DEVELOPMENT  
AUTHORITY  
PART 700

AMERICANS WITH DISABILITIES ACT GRIEVANCE  
PROCEDURE

|         |                              |
|---------|------------------------------|
| Section | Authority                    |
| 720.101 | Purposes                     |
| 720.102 | Definitions                  |
| 720.103 | General Procedures           |
| 720.201 | Designated Coordinator Level |
| 720.202 | Final Level                  |
| 720.203 | Accessibility                |
| 720.204 |                              |

Authority: This rule making implements Title II, Subtitle A, of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-12134), and the regulations promulgated thereunder (28 CFR 35.107), and is authorized by Section 7.19 of the Illinois Housing Development Act (Ill. Rev. Stat. 1991, ch. 67 1/2, par. 319.17)

Source: Adopted at \_\_\_ Ill. Reg. \_\_\_, effective

## SUBPART A: GENERAL RULES

## Section 720.101 Authority

This Part is authorized and made pursuant to the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-12134) ("ADA"), the regulations promulgated thereunder (28 CFR 35.107) (the "Regulations") and Section 7.19 of the Illinois Housing Development Act (Ill. Rev. Stat. ch 67 1/2, par. 307.19).

## Section 720.102 Purposes

This Part establishes a grievance procedure pursuant to the ADA and specifically the Regulations, which require that such a procedure be established to resolve grievances asserted by qualified individuals with disabilities. The ADA requires that each program and activity offered by the Illinois Housing Development Authority (the "Authority") be readily accessible and usable by qualified individuals with disabilities. It is the intent of the Authority



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

to foster open communication with all individuals requesting access to the programs and activities of the Authority.

## Section 720.103 Definitions

"Authority": The Illinois Housing Development Authority.

"Complainant": An individual with a disability who files a grievance on the form provided by the Authority in accordance with this Part.

"Designated Coordinator": The person appointed by the Authority to coordinate the Authority's efforts to comply with and carry out its responsibilities under Title II of the ADA, including investigation of grievances filed by Complainants. The Designated Coordinator for the Authority is Richard Muller, who can be reached at 401 N. Michigan Avenue, Suite 900, Chicago, Illinois 60611 or by telephone at (312) 836-5327.

"Disability": With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such an impairment.

"Grievance": Any formal complaint under the ADA by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program or activity offered by the Authority, and who believes he or she has been excluded from participation in or denied the benefits of any program or activity of the Authority, or has been subject to discrimination by the Authority on the basis of his or her disability.

"Grievance Form": The form on which a Grievance must be submitted to the Authority.

"Grievance Procedure": The procedure established by this Part.

## SUBPART B: PROCEDURES

## Section 720.201 General Procedures

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

- a) Submission. Complainants shall submit Grievances in accordance with the procedures established in Sections 720.202 and 720.203 of this Part, in the form and manner described and within specified time limits. The time limits for this Grievance Procedure shall be measured in calendar days, unless otherwise explicitly stated, and may be extended by mutual agreement in writing by the Complainant and the reviewer at the Designated Coordinator and the Final Levels.
- b) A Complainant's failure to submit a Grievance, or to submit or appeal it to the next level of procedure within the specified time limits, shall mean that the Complainant has withdrawn the Grievance or has accepted the last response given in the Grievance Procedure as the Authority's final response.
- c) The Authority shall, upon being informed of an individual's desire to file a Grievance, instruct the individual how to receive a copy of this Grievance Procedure and the Grievance Form.

## Section 720.202 Designated Coordinator Level

- a) If an individual desires to file a Grievance, the individual shall promptly, but no later than 180 days after the alleged act of discrimination, submit the Grievance to the Designated Coordinator on the Grievance Form prescribed for that purpose. To receive proper consideration by the Designated Coordinator, the Grievance Form shall be completed in full. The completed form shall include:
  - 1) the Complainant's name and, if applicable, address and telephone number;
  - 2) the best means and time for contacting the Complainant;
  - 3) the program or activity which was denied to the Complainant or in which alleged discrimination occurred;
  - 4) the date and nature of the alleged denial or



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

discrimination;

- 5) the signature of the Complainant.
- b) Upon request, the Authority shall provide assistance in completing the Grievance Form.
- c) The Designated Coordinator or his designated representative shall investigate the Grievance and shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the Complainant and to the Director of the Authority within ten (10) business days after receipt of the Grievance Form.

## Section 720.203 Final Level

- a) If the Grievance is not resolved to the satisfaction of the Complainant at the Designated Coordinator Level, the Complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Director of the Authority for final review. The Complainant shall submit these documents to the Director, or his or her designee, together with a short written statement explaining the reason(s) for dissatisfaction with the Designated Coordinator's written response, within five (5) business days after receipt by the Complainant of the Designated Coordinator's response.

- b) The Complainant shall be afforded an opportunity to appear before the Director, or a representative designated by the Director. The Complainant shall have a right to appoint a representative to appear on his or her behalf, provided that the Complainant notifies the Director or the Director's representatives, as applicable, two (2) business days in advance of the hearing that the Complainant has appointed such a representative. The Director or his or her representative shall review the Designated Coordinator's response and may conduct interviews and seek advice as may be appropriate.

- c) The Director shall approve, disapprove or modify the recommendation of the Designated Coordinator, shall render a decision thereon in writing within

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

thirty (30) days, shall state the basis therefor, and shall cause a copy of the decision to be served on the parties. The Director's decision shall be final. If the Director disapproves or modifies the Designated Coordinator's recommendations, the Director shall include written reasons for such disapproval or modification.

- d) The Grievance Form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, and the decision of the Director shall be maintained in accordance with the State Records Act (Ill. Rev. Stat., 1991, ch. 116, par. 43.3 et seq.), or as otherwise required by law.

## Section 720.204 Accessibility

The Authority shall ensure that at all stages, the Grievance Procedure are readily accessible and usable by individuals with disabilities.



DEPARTMENT OF MENTAL HEALTH  
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED RULES

1) Heading of the Part: Certification Under Medicaid Rehabilitation Option for Early Intervention Programs

2) Code Citation: 59 Ill. Adm. Code 122

3) Section Numbers: Proposed Action:

- 122.10 New Section
- 122.15 New Section
- 122.20 New Section
- 122.25 New Section
- 122.30 New Section
- 122.35 New Section
- 122.40 New Section
- 122.45 New Section
- 122.50 New Section
- 122.55 New Section
- 122.60 New Section
- 122.65 New Section
- 122.70 New Section
- 122.75 New Section
- 122.80 New Section
- 122.85 New Section
- 122.Appendix A New Section

4) Statutory Authority: Implementing and authorized by Section 9 of the Early Intervention Services System Act (Ill. Rev. Stat. 1991, ch. 23, par. 4159).

5) A Complete Description of the Subjects and Issues Involved: Part 122 is the Department's rule for providers of early intervention services for who choose to be certified under the Medicaid rehabilitation option for early intervention programs. Development of this Part and its companion (59 Ill. Adm. Code 121, which is also being proposed in this issue of the Illinois Register) began in December, 1991 and has included considerable discussion with a subcommittee composed of community provider agencies, parents and other state agencies.

Key provisions of this Part are: (1) The process for certification, recertification, and periodic review of early intervention providers choosing to be certified; (2) clinical direction for early intervention services by a physician or licensed practitioner of the healing arts (LPHA); and (3) requirements for rate setting.

This Part will enable the Department to claim early intervention services under the Medicaid rehabilitation option and return the federal financial

participation monies generated to early intervention programs, up to the appropriation.

This Part is being filed concurrently with proposed 59 Ill. Adm. Code 121. (16 Ill. Reg. 15715)

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rule contain incorporations by reference? Yes, this rulemaking incorporates by reference the standards of nationally recognized organizations as well as federal regulations (CFR).

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2201 et seq.)

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to: Rules Administrator, Illinois Department of Mental Health and Developmental Disabilities, 401 Stratton Building, Springfield, IL 62765, telephone (217)785-3313.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

Upon publication in the Illinois Register.

B) Types of small business affected:

Community agencies funded by the Department of Mental Health and Developmental Disabilities to provide early intervention services who choose to be certified under the Medicaid rehabilitation option for early intervention programs.

C) Reporting, bookkeeping or other procedures required for compliance:



DEPARTMENT OF MENTAL HEALTH  
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED RULES

TITLE 59: MENTAL HEALTH  
CHAPTER I: DEPARTMENT OF MENTAL HEALTH  
AND DEVELOPMENTAL DISABILITIES

PART 122  
CERTIFICATION UNDER MEDICAID REHABILITATION OPTION  
FOR EARLY INTERVENTION PROGRAMS

SUBPART A: GENERAL PROVISIONS

| Section |                             |
|---------|-----------------------------|
| 122.10  | Purpose                     |
| 122.15  | Incorporation by reference  |
| 122.20  | Definitions                 |
| 122.25  | General requirements        |
| 122.30  | Administrative requirements |
| 122.35  | Recordkeeping               |

SUBPART B: CERTIFICATION REQUIREMENTS

|        |  |
|--------|--|
| 122.40 | Provider application and initial certification process   |
| 122.45 | Provider recertification and reviews                     |
| 122.50 | Certification for additional services and/or new site(s) |
| 122.55 | Suspension of certification                              |
| 122.60 | Termination of certification                             |
| 122.65 | Certification appeal criteria and process                |
| 122.70 | Rate setting   |

SUBPART C: OPERATIONAL PROCEDURES

|        |  |
|--------|--|
| 122.75 | Assessment   |
| 122.80 | Individualized family service plan (IFSP) development and modification |
| 122.85 | Transdisciplinary or interdisciplinary team                            |

|                 |   |
|-----------------|---|
| 122. APPENDIX A | Early Intervention Services Provider Certification Application Components |
|-----------------|---|

NOTE: Boldface type denotes statutory language.

AUTHORITY: Implementing and authorized by Section 9 of the Early Intervention Services System Act (Ill. Rev. Stat. 1991, ch. 23, par. 4159).

SOURCE: Adopted at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

DEPARTMENT OF MENTAL HEALTH  
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED RULES

Reporting, bookkeeping and procedures include: (1) Submission of application for certification and necessary components; (2) Availability of records for inspection, audit and copying by Department personnel and other specified entities; (3) Annual submission of Interagency Statistical and Financial Report; and (4) Compliance with requirements governing audits, false reporting and other fraudulent activities for services provided to Medicaid-eligible individuals.

D) Types of professional skills necessary for compliance:

Professional skills necessary for compliance are: (1) General business, recordkeeping and accounting skills; and (2) developmental disabilities treatment skills.

The full text of the Proposed Rules begins on the next page:



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## SUBPART A: GENERAL REQUIREMENTS

## Section 122.10 Purpose

- a) The Department shall use these requirements to certify, recertify, and periodically review early intervention providers who choose to participate in the Medicaid rehabilitation option program for early intervention providers. This includes the certification and recertification of the provider's eligibility for approval and enrollment in the Illinois medical assistance program by the Department of Public Aid (89 Ill. Adm. Code 140) (Medical Payment).
- b) In addition to being funded by the Department, early intervention services may be supported financially by Medicaid (42 U.S.C.A. 1396 et seq., 1991) for grants to states for medical assistance eligible individuals, under the Illinois medical assistance program (89 Ill. Adm. Code 140) (Medical Payment) administered by the Department of Public Aid.
- c) These requirements are for the purpose of assuring that children and their families shall receive quality early intervention services pursuant to 42 CFR 440 and 42 CFR 456, 1989 for Medicaid-eligible individuals.

## Section 122.15 Incorporation by reference

Any rules or standards of an agency of the United States or of a nationally-recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

## Section 122.20 Definitions

Terms that apply to this Part are either defined in 59 Ill. Adm. Code 121.30 or are defined below.

"Certification." Initial determination and redetermination of the eligibility of a provider to participate in the Medicaid rehabilitation option as an early intervention program and to provide early intervention services. The Department issues certification upon a determination of compliance with this Part and 59 Ill. Adm. Code 121. Certification must be issued by the Department before the provider can be enrolled with the Department of Public Aid as a Medicaid provider in order to provide Medicaid-reimbursable early intervention services. Enrollment as

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a Medicaid provider is issued by the Department of Public Aid on receipt of a letter of certification by the Department, a completed Medicaid provider enrollment form and on determination of compliance with 89 Ill. Adm. Code 140.11 by the Department of Public Aid.

"Enrollment." The official enrollment of a certified provider in the medical assistance program by the Department of Public Aid on determination of compliance with 89 Ill. Adm. Code 140.11.

"Licensed practitioner of the healing arts (LPHA)." A clinical psychologist licensed pursuant to the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1991, ch. 111, par. 5351 et seq.), a licensed clinical social worker (LCSW) licensed pursuant to the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 6351 et seq.) or a registered nurse with a bachelor's degree in nursing who is licensed pursuant to the Illinois Nursing Act of 1987, (Ill. Rev. Stat. 1991, ch. 111, par. 3501 et seq.).

"Medicaid." Medical assistance issued by the Illinois Department of Public Aid under the provisions of Title XIX of the Social Security Act (42 U.S.C.A. 1396 et seq., 1991), for eligible recipients including Aid to the Aged, Blind and Disabled (AABD), Aid to Families with Dependent Children (AFDC), Medical Assistance No Grant (MANG), Refugee Repatriate Program (RRP) recipients and Title XIX eligible DCFS wards.

"Medicaid rehabilitative services option." Refers to rehabilitative services, as authorized in 42 CFR 440.130, 1989, and defined in 59 Ill. Adm. Code 121. Subpart C. At the option of the Department of Public Aid, these services may be included in the Medicaid state plan as covered services for Medicaid-eligible individuals.

## Section 122.25 General requirements

- a) A physician or LPHA shall be responsible for recommending medically necessary rehabilitative services.
- b) Providers shall comply with all requirements of 59 Ill. Adm. Code 121.

## Section 122.30 Administrative requirements



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- a) The parent or parent substitute shall give informed consent for the release of information to the Department of Public Aid and the U.S. Health Care Financing Administration for claiming Medicaid reimbursement. The provider shall document this consent in the child and family's record and forward the release of information forms to the Department.
- b) The provider shall submit within 180 days after the end of the state fiscal year the State of Illinois Interagency Statistical and Financial Report (ISFR) to the Department unless the Department extends the timeframe for a provider having a different fiscal year than the State of Illinois.
- c) The provider shall comply with the requirements governing audits, false reporting and other fraudulent activities, pursuant to 89 Ill. Adm. Code 140.30 and 140.35 for services provided to Medicaid-eligible individuals. The provider shall be held responsible for any claims disallowed resulting from non-compliance with this Part and with 59 Ill. Adm. Code 121.
- d) The provider shall bill all other third parties prior to reporting to the Department services provided to Medicaid-eligible children and their families. The provider shall maintain a record of all such billings and payments received.

**Section 122.35 Recordkeeping**

All clinical and financial records required to be maintained shall be readily available for inspection, audit and copying (including photocopying) by Department personnel. Department personnel shall make all attempts to examine such records without interfering with the professional activities of the provider. Such records also shall be available to Department of Public Aid and U.S. Health Care Financing Administration compliance personnel during normal business hours at the provider's facility.

**SUBPART B: CERTIFICATION REQUIREMENTS**

**Section 122.40 Provider application and initial certification process**

- a) Successful applicants for certification under the Medicaid Rehabilitation Option shall be certified by the Department and enrolled as a provider in the Illinois medical assistance program by the Department of Public Aid pursuant to 89 Ill. Adm. Code 140.11.
- b) Applications may be obtained by submitting a request in writing to:

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Department of Mental Health and Developmental Disabilities  
Bureau of Certification and Licensure  
4201 North Oak Park Avenue  
Chicago, Illinois 60634

- c) The applicant shall submit to the Department at the address in subsection (b) above a completed "Application for Certification of Early Intervention Program" with all necessary components.
- d) At the discretion of the Department, agencies submitting applications which have all components attached may be certified according to the procedures outlined in either subsection (e) or (f) below.
- e) For applications which have attached to them, at a minimum, a staffing roster, evidence of compliance with state and local ordinances and codes relating to fire safety for all site(s) where Medicaid-reimbursable services are being provided, documentation of compliance from a licensed plumber and electrician that any structure to be used as a site complies with the codes and standards pertaining to the licensing and regulation of plumbers and the National Electrical Code (see 59 Ill. Adm. Code 121.40) and a copy of the applicant's financial audit for the last fiscal year if it is not on file with the Department, the Department shall conduct an on-site review within 40 days after the receipt of the application.

- 1) The on-site review for full compliance with this Part and 59 Ill. Adm. Code 121 shall examine all administrative and service standards that pertain to the specific types of early intervention services for which the applicant is requesting certification. The applicant's site(s) on which the early intervention services are offered shall be reviewed for compliance with applicable federal, state, and local laws and ordinances pertaining to safety and accessibility. A review of a sample of client records shall be conducted. Such sample shall consist of a minimum of 10 records from the applicant's Medicaid-eligible clients. In the event that 10 records of Medicaid-eligible clients are not available, the sample will consist of all available Medicaid-eligible client records. If the provider is a newly formed agency that has not provided services in the past, the review shall be of the provider's plans for record content and maintenance. Compliance shall be based on the provider's capability to perform in accordance with this Part and 59 Ill. Adm. Code 121.

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- 2) If the on-site review confirms compliance with the requirements of this Part and 59 Ill. Adm. Code 121, the Department shall issue a letter of certification within 20 days after the date of completion of the on-site review. The Department shall then send the Medicaid enrollment forms to the applicant. Certification shall be effective the date of the first day of the on-site review.
- 3) If the on-site review does not confirm compliance with the requirements of this Part and 59 Ill. Adm. Code 121, the Department shall report deficiencies to the applicant in an exit conference. The Department shall also issue to the applicant, within 40 days, a notice of deficiencies enumerating those standards of this Part and 59 Ill. Adm. Code 121 with which the applicant is not in compliance. The Department may certify a provider for participation in the program at the conclusion of the exit conference, if the applicant agrees in writing to correct all other identified deficiencies, and complies with Section 122.25 and with 59 Ill. Adm. Code 121.35 and 121.40.
  - A) The certified provider shall submit a plan of correction for the deficiencies within 25 days after the postmark date on the written notice of deficiencies. The plan of correction shall identify the actions that have been, or will be, taken in order to comply with this Part and 59 Ill. Adm. Code 121 and the timeframes for carrying out this action. Timeframes for carrying out the action shall not exceed three months except when deficiencies relate to major structural deficiencies related to physical accessibility of the site(s) for persons with disabilities. In such instances, implementation must occur before the end of the next complete state fiscal year following the fiscal year during which the deficiency was first documented. Applicants required to correct deficiencies related to physical accessibility may be certified in the interim upon effecting measures to reasonably accommodate persons with disabilities.
  - B) The Department shall notify the certified provider within 20 days after receipt and approval of the plan of correction. Providers whose certification is continued based on the Department's approval of their plan of correction shall be liable for any claims disallowed due to non-compliance with this Part and 59 Ill. Adm. Code 121.

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- C) Applicants that do not comply with Section 121.70 may be certified when a plan of correction is submitted and approved by the Department. Certification will be effective the latest date of implementation for correcting deficiencies noted in Section 122.25 and 59 Ill. Adm. Code 121.35.
- D) If the plan of correction does not effectively address the action that has been or will be taken to meet the standards for compliance, the Department shall notify the certified provider within 20 days. The certified provider shall resubmit an acceptable plan of correction within 10 days after the notice or the Department shall act to suspend or terminate certification.
- E) If the certified provider fails to respond to the notice of deficiencies within 25 days after the postmark date on the notice of deficiencies with a plan of correction, the Department shall act to suspend or terminate certification.
- F) Applications that have attached to them all components identified in Section 122. Appendix A shall be reviewed for compliance with this Part and 59 Ill. Adm. Code 121. Applications missing any components will not be accepted as complete and the timeframes of this Section pertaining to applications shall not apply. The applicant shall be notified in writing of missing components within 20 days after the receipt of the application. The applicant shall submit any missing components within 25 days after receipt of the written notification. Applications still missing components at this time shall be returned to the applicant.
  - 1) If the application components comply with this Part and 59 Ill. Adm. Code 121, the Department shall issue a letter of certification within 20 days after having received the application and send the Medicaid enrollment forms to the provider. The effective date of certification shall be the date the review of the application was completed.
  - 2) If the application includes all of the components but one or more of the components do not comply with this Part and 59 Ill. Adm. Code 121, the applicant shall be notified in writing within 20 days after receipt of the completed application of identified deficiencies. The applicant shall submit corrected documentation or an acceptable plan of correction for these deficiencies within 25 days after the postmark date on the notice of deficiencies. The plan of



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correction shall identify the actions that have been, or will be, taken in order to comply with this Part and 59 Ill. Adm. Code 121 and the timeframes for carrying out the action. If the applicant does not respond with a plan of correction within the 25 days, the application will be considered withdrawn and returned to the applicant.

3) After receipt and approval of the corrected documentation or the plan of correction for the identified deficiencies, the Department shall notify the applicant and issue a letter of certification and send the Medicaid enrollment forms to the applicant. The effective date of certification shall be the date on which the corrected documentation is approved or the plan of correction is carried out except when deficiencies relate to major structural deficiencies as explained in subsection (4)(D) below.

4) The Department shall schedule an on-site review to verify compliance with this Part and 59 Ill. Adm. Code 121 within six months after initial certification when certification has been issued based solely upon a review of the application components specified in Section 122. Appendix A.

A) The on-site review for verification with this Part and with 59 Ill. Adm. Code 121 shall examine all administrative and service standards that pertain to the specific types of early intervention services for which the provider has been certified. The provider's site(s) on which early intervention services are offered shall be reviewed for compliance with applicable federal, state, and local laws and ordinances pertaining to safety and accessibility. A retrospective review of a sample of Medicaid-eligible client records shall be conducted. Such sample shall consist of a minimum of 10 records of the provider's Medicaid-eligible clients. In the event that 10 Medicaid-eligible client records are not available, the sample will consist of all available Medicaid-eligible client records.

B) If the on-site review verifies compliance with the requirements of this Part and 59 Ill. Adm. Code 121, the Department shall issue a letter of verification within 20 days after the date of completing the on-site review.

C) If the on-site review does not verify compliance with the requirements of this Part and with 59 Ill. Adm.

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Code 121, the Department shall report deficiencies to the provider during an exit conference. Within 20 days after the on-site review, the Department shall send a notice of deficiencies to the provider listing those standards of this Part and 59 Ill. Adm. Code 121 with which the provider does not comply.

D) The provider is required to submit a plan of correction for the deficiencies within 25 days after the postmark date on the written notice of deficiencies. The plan of correction shall identify the actions that have been, or will be, taken in order to comply with this Part and with 59 Ill. Adm. Code 121 and the timeframes for carrying out the action. Timeframes for carrying out the action shall not exceed three months except when deficiencies relate to major structural deficiencies related to physical accessibility of the site(s) for persons with disabilities. In such instances, implementation must occur before the end of the next complete state fiscal year following the fiscal year during which the deficiency was first documented in writing. Providers required to correct deficiencies related to physical accessibility may be certified in the interim upon effecting measures to reasonably accommodate persons with disabilities.

E) If the provider fails to respond to the notice of deficiencies within 25 days after the postmark date on the notice of deficiencies with an acceptable plan of correction, the Department shall initiate the process to suspend or terminate certification.

F) Within 20 days after receipt and approval of the plan of correction, the Department shall issue a letter approving continuation of the certification period. Providers certified based on the Department's approval of their plan of correction shall be liable for any claims disallowed due to non-compliance with this Part and 59 Ill. Adm. Code 121.

G) A provider certified by the Department under 59 Ill. Adm. Code 132 shall be deemed to comply with Sections 121.40, 121.45 (a) and (d), 121.55, 121.60 and 121.65 of 59 Ill. Adm. Code 121, and Section 122.35.

H) Applicants that are fully accredited by the Accreditation Council on Services for Persons with Disabilities (Standards for Services



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for Persons with Disabilities (Accreditation Council for Services for Persons with Disabilities, 8100 Professional Place, Suite 204, Landover, Maryland 20785, 1990)) or fully accredited for the early intervention program by the Commission on Accreditation of Rehabilitation Facilities (Standards Manual for Organizations of Serving People with Disabilities (Commission on Accreditation of Rehabilitation Facilities, 101 North Wilmot Road, Suite 500, Tucson, Arizona 85711, 1992)) shall be deemed to be certified under this Part. However, such applicants are required to comply with all of the standards in this Part and 59 Ill. Adm. Code 121. To qualify under this subsection, applicants shall submit an application with a copy of the most recent accreditation survey to the address in Section 122.40 (b). The Department will review the materials and request additional information as necessary.

- i) Applicants that are fully accredited by the Commission on Accreditation of Rehabilitation Facilities for the agency as a whole (not specifically for the early intervention program) or by the Council on Accreditation of Services for Families and Children (Manual for Agency Accreditation) (Council on Accreditation of Services for Families and Children, Inc., 520 - 8th Avenue, Suite 2202B, New York, New York 10018, 1992)) shall not have the standards specified in 59 Ill. Adm. Code 121.45 (a) and 121.60 examined during the on-site review, but are required to comply with all of the standards. These applicants shall not have standards in 59 Ill. Adm. Code 121.40 examined during the on-site review for any site included in the licensure accreditation process but are required to comply with all of these standards.

- j) Initial certification shall not be granted if the review notes deficiencies in Sections 122.25 (a), 122.75 or 122.80 or in 59 Ill. Adm. Code 121.40. If no deficiencies are noted in these sections, and the provider complies with all other requirements specified in Section 122.40, the initial certification shall be for a three-year period unless the review notes deficiencies in complying with 59 Ill. Adm. Code 121.55 (d). If such deficiencies are noted in 59 Ill. Adm. Code 121.55 (d), the initial certification shall be for a 12-month period. Any changes during the certification period which affect the ability of the provider to deliver services complying with the requirements of this Part and 59 Ill. Adm. Code 121 shall be reported to the Department.

- k) When a decision is made not to certify an applicant, the applicant may appeal the decision and request a hearing in accordance with Section 122.60 and Section 10-25 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-25).

## Section 122.45 Provider recertification and reviews

- a) The Department shall conduct a full compliance review at or about three years from the date of the initial certification, unless the provider was certified for a period of twelve months pursuant to Section 122.40 (j). In this case, the Department shall conduct a full compliance review at or about twelve months from the date of initial certification. A provider which was deemed to meet this Part and 59 Ill. Adm. Code 121 in whole or in part according to Section 122.40 (g) or (h) shall submit documentation describing its current accreditation status to the address in Section 122.40 (b). A provider found to comply with this Part and with 59 Ill. Adm. Code 121 subsequent to initial certification shall be issued a letter of certification within 20 days, extending for three years from the date on which the prior certification period expired or will expire. Any changes during the certification period that affect the ability of the provider to deliver services complying with the requirements of this Part and with 59 Ill. Adm. Code 121 shall be reported to the Department.

- b) A provider found not to comply with this Part and 59 Ill. Adm. Code 121 shall be issued a notice of deficiencies within 40 days. The provider shall be required to submit a plan of correction for these deficiencies within 25 days after the postmark date of the notice of deficiencies. Timeframes for carrying out the action shall not exceed three months except when deficiencies relate to major structural deficiencies related to physical accessibility of the site(s) for persons with disabilities. In such instances, implementation must occur before the end of the next complete state fiscal year following the fiscal year during which the deficiency was first documented in writing. The Department shall issue a letter of certification upon approving the plan of correction. This certification shall extend for three years from the date on which the prior certification period expired or will expire.

- c) A provider that fails to submit a plan of correction or submits a plan of correction which is not approved by the Department shall be subject to the suspension and termination provisions in Sections 122.55 and 122.60.

- d) A focused review shall be conducted to verify the implementation of a plan of correction; to inspect new sites for which a provider seeks additional certification; to investigate complaints, and/or to review major program changes related to the ability of the provider to deliver services complying with this Part and 59 Ill.



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Adm. Code 121. A focused review shall include an on-site survey when visual inspection is necessary.

e) If a recertified provider has a plan of correction on file with the Department, a focused review shall be conducted within 12 months.

f) If the Department fails to conduct a compliance review for recertification before the expiration of the current certification period, the certification shall remain valid until completion of such compliance review.

g) Subsequent compliance reviews for recertification will be conducted on or about the expiration date of the current certification period.

h) The Department shall be granted access to all provider sites. Client records and all other records shall be made available to the Department, on request, during the initial compliance survey, focused review(s) and three-year full compliance survey(s) required by this Section, in accordance with the Confidentiality Act.

Section 122.50 Certification for additional services and/or new site(s)

a) Providers certified for specific early intervention services pursuant to this Part and 59 Ill. Adm. Code 121 which seek certification for the provision of additional services shall submit the following documentation:

1) A detailed program description of the service(s) delineating how the new service(s) is to be provided, when and where the service(s) is to be provided and who will provide the service(s), including staff qualifications; and

2) If the service is to be provided at a site which has not already been certified, a clearance letter from the local fire authority or the Office of the State Fire Marshal and statements from a licensed plumber and licensed electrician stating that the site(s) meets required local codes for their respective professions, and a letter from the provider attesting to compliance with the requirements of physical accessibility standards (see 59 Ill. Adm. Code 121.40) (A statement from a local building inspector will meet the plumber and electrician requirements.)

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b) Providers certified for specific early intervention services pursuant to this Part and 59 Ill. Adm. Code 121 which seek certification for new site(s) (e.g. moving to a new location or adding an additional site) shall comply with the documentation requirements specified in subsection (a)(2) above.

c) The provider's request to certify additional early intervention services or new site(s) shall be submitted to the Department.

d) The documentation listed in subsection (a)(1) and/or (2) above shall be reviewed for compliance within 20 days after receipt.

1) If the review determines that the provider complies with the requirements for certification for additional early intervention services and/or new site(s), the provider shall be notified and a new Medicaid certificate issued with the same expiration date as the current certificate. The certificate shall identify the additional early intervention services or new site(s) certified. The Department shall conduct a focused review within 18 months or at the next scheduled review, whichever comes first, to verify compliance with the requirements for new services only. The Department shall conduct a focused review within 12 months after the Department's approval of the new site(s) or at the next scheduled review, whichever comes first, to verify compliance with the requirements for new site(s) only or both new site(s) and new services.

2) If the review determines that the provider does not comply with the requirements for certification for additional service(s) or new site(s), the provider shall be notified of the deficiencies in writing within 20 days after receipt of the documentation as identified in subsection (a)(1) and/or (2) above. The provider shall submit an acceptable plan of correction for these deficiencies within 25 days after the postmark date on the notice of deficiencies.

A) After the Department's receipt and approval of a plan of correction, the provider shall be notified and a new Medicaid certificate issued with the same expiration date as the current certificate. The certificate shall identify the additional early intervention service(s) and/or new site(s).

B) The Department shall conduct a focused review to verify implementation of the plan of correction for new site(s) at the next scheduled review or within six



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months after the Department's approval of the new sites, whichever comes first.

Section 122.55 Suspension of certification

a) Failure to comply with the requirements of this Part and with 59 Ill. Adm. Code 121 during a certification period shall result in the certified provider being suspended from participation in under the Medicaid rehabilitation option early intervention program. The provider shall not receive enhanced funding (via federal financial participation) during the suspension period.

b) The Department shall issue a written warning and a correction order to a certified provider which has failed to comply with this Part and with 59 Ill. Adm. Code 121. The letter shall be sent by certified mail, returned receipt requested. The following shall occur as a result of such suspension:

1) The provider shall have a maximum of 60 days from the date of receipt of the written notice to correct the cited deficiencies.

2) If the provider does not correct the cited deficiencies within 60 days, the Department shall refer the matter to the Department of Public Aid for action to terminate the provider's participation in the medical assistance program pursuant to 89 Ill. Adm. Code 140.16.

c) The Department shall immediately suspend a certified provider, and such suspension shall not be stayed pending an appeal, if it determines:

1) Clinical supervision of services, as specified in each Subpart, is not being provided; or

2) The provider's staff is inflicting physical or mental injury or sexual assault on the children served; or

3) The site in which the services are provided presents an immediate danger to children or their families, and the problem presenting the danger is not immediately corrected. An example is a gas leakage in the heating system that has not been repaired.

d) The suspension shall continue until the Department determines that the cited deficiencies have been corrected or until action pursuant to subsections (b)(1) and (b)(2) above is taken.

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e) The Department shall notify the Department of Public Aid of any action taken pursuant to this Section, and in addition, shall refer any evidence of Medicaid fraud within 10 days of the discovery of such evidence to the Department of Public Aid for further action.

Section 122.60 Termination of certification

a) A provider shall be issued a written notice terminating certification during a certification period for:

1) Meeting any of the grounds for termination set forth in 89 Ill. Adm. Code 140.16; or

2) Discontinuing delivery of all early intervention services for which the provider has been certified; or

3) Being convicted of defrauding the medical assistance program under Article VIII A of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 8A-1 et seq.); or

4) Failing to submit and/or carry out a plan of correction for cited deficiencies.

b) In the event that the contract between the provider and the Department for provision of services under 59 Ill. Adm. Code 121 is terminated, certification of the provider shall likewise be terminated and the Department of Public Aid shall be advised of this by the Department. The provider is solely liable for the cost of services provided after the contract has been terminated.

Section 122.65 Certification appeal criteria and process

a) Grounds for appeal by the provider are:

1) Determination of non-compliance with this Part; or

2) Refusal to issue certification; or

3) Refusal to issue recertification; or

4) Suspension or termination of any or all early intervention services.

b) Certification appeal criteria and process



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- 1) If the Department determines that certification or the recertification should not be issued or that certification should be suspended or terminated during a certification period because of non-compliance with the provisions of this Part, the Department shall send, by registered mail, written notice to the applicant or the certified provider within 30 days after the determination. The notice shall contain the specific requirements the provider has not complied with and either the Department's proposed action as follows:
  - A) If the applicant or certified provider chooses to appeal the Department's decision, the applicant or provider shall submit a written request for a hearing to the Department within 20 days after the date of receipt of the notice.
  - B) If an appeal is initiated by a certified provider, services shall be continued pending a final administrative decision.
  - C) If the applicant or certified provider does not submit a request for a hearing, as provided in this Part or if after conducting the hearing the Department determines that the certification or recertification should not be issued or that the certification should be suspended or terminated, the Department shall issue an order to that effect. If the order is to suspend or terminate the certification, it shall specify that the order takes effect upon receipt by the certified provider.
- 2) The Department shall schedule a hearing within 20 days after receipt of the request for appeal. The applicant or the provider and the applicant's or provider's representative, hereinafter referred to as the appellant, shall be notified by registered mail at least 10 days before the hearing. The notice of hearing shall include:
  - A) The date, time, and place of the hearing;
  - B) The legal authority to hold the hearing;
  - C) The reference to the particular Sections of the statutes or rules involved; and
  - D) A short statement of the matters asserted.

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- 3) Each hearing shall be conducted at a time, date and place reasonably convenient to the appellant.
- 4) The hearing shall be conducted by an impartial hearing officer authorized by the Director to conduct such hearings. The officer shall not have participated in the decision under appeal.
- 5) The hearing officer, at his or her sole discretion, may grant continuances of the hearing, not to exceed two, at the request of either the appellant or the Department.
- 6) The Department shall tape record the hearing. A copy of the recording shall be given to the appellant if the appellant so requests no later than five days after the hearing officer makes his or her decision. The appellant must request a copy of the recording no later than 72 hours after receipt of the decision, if a copy is so desired. The Department shall charge the appellant for the cost of the tape.
- 7) At the hearing both parties may present written and oral evidence. The appellant may be represented by the person of his or her choice. The Department shall have the burden of proving that there was substantial evidence of non-compliance with these standards. Substantial evidence is such evidence as a reasonable person can accept as adequate to support a conclusion. The Department shall present its evidence first, then the appellant shall present evidence.
- 8) Evidence
  - A) The hearing officer shall not be bound by the rules of evidence or procedure, but shall conduct the proceedings in a manner that ensures both parties are allowed to present their evidence and arguments fully and freely.
  - B) Any party or representative may ask questions of any other party or witness, and the hearing officer may ask questions of any other party or witness. Questions impeaching the witness' character or credentials shall be improper.
- 9) The hearing officer shall only consider evidence presented at the hearing in making his or her decision as to whether the Department sustained its burden of proof. The hearing officer shall uphold, reverse or modify the Department's



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decision or determine that the Department lacks jurisdiction. Within five days after the hearing, the hearing officer shall submit his or her written decision, that shall include a statement of facts concerning the appeal and conclusions, to the Department. A copy of the decision shall be sent to the appellant at the same time it is submitted to the Department.

10) In the event the appellant does not appear at the hearing, the appeal shall be deemed abandoned and shall be dismissed by the hearing officer. The hearing officer shall send written notice of the dismissal to the appellant.

11) If the appellant is not satisfied with the hearing officer's decision, the appellant may request a review of the decision by the Director or his or her designee. The request must be made in writing to the Director or his or her designee no later than 10 days after receipt of the hearing officer's decision. The request shall briefly state the appellant's objections to the decision.

12) The record shall include those items required by Section 10-35 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-35).

13) Upon receipt of the request for review, the Director or his or her designee shall review the hearing officer's decision and the record of the hearing. After consideration of all the evidence, the Director or his or her designee shall issue a written decision upholding, reversing, modifying or remanding the hearing officer's decision and setting forth the facts of the appeal and the bases for the decision. The Director or his or her designee shall issue a written decision within 20 days after receipt of the request for review, and copies shall be sent to the appellant. The Director shall uphold the decision if he or she determines that the procedures set out in this Section were properly followed and that the decision was supported by substantial evidence. The Director's or his or her designee's decision shall constitute a final administrative decision.

14) Final administrative decisions shall be subject to judicial review exclusively as provided in the Administrative Review Law (Ill. Rev. Stat. 1991, ch. 110, par. 3-101 et seq.).

Section 122.70

Rate setting

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a) The purpose of the Department computing rates for early intervention services is for claiming under the Medicaid rehabilitation option and returning the federal financial participation monies generated to early intervention programs, up to the appropriation.

b) The rates shall be computed for each state fiscal year, shall be implemented 30 days after approval is received from the Department of Public Aid and shall be in effect for one state fiscal year.

c) Rates for each service are based on rates paid by the Department or the Department of Public Aid for the similar services provided by the same level of professional.

d) If no rates exist in accordance with Subsection (c) above, unit rates for each early intervention service are computed from the following factors:

- 1) Hourly wages and salaries for staff who are authorized to provide claimable services;
  - 2) Hourly paid benefits for staff who are authorized to provide claimable services;
  - 3) Hourly Medicaid-reimbursable community provider operating expenses in addition to those specified in (1) and (2) above;
  - 4) Time spent in delivering services that may be claimed; and
  - 5) Child or family staff ratios.
- e) Services such as screening, social history, assessment, the individualized family service plan, psychological services/evaluation and service facilitation shall be reported at an hourly rate per child reportable to the nearest quarter hour; and
- f) Developmental services shall be reported at an hourly rate per child reportable to the nearest half hour.

SUBPART C: OPERATIONAL PROCEDURES

Section 122.75 Assessment

The results of the assessment shall be reviewed by the physician or LPHA and documented by signature on the IFSP. The physician or LPHA shall determine if other evaluations are necessary in order to develop the child's IFSP.



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Section 122.80 Individualized family service plan (IFSP) development and modification

- a) In addition to the requirements specified in 59 Ill. Adm. Code 121.90, a physician or LPHA shall provide the clinical direction of rehabilitative early intervention services identified in the IFSP as documented by his or her signature on the IFSP. This signature must be obtained within the timeframes in Section 121.70.
- b) Such clinical direction shall include review and approval of the initial IFSP and subsequent modification(s). The IFSP shall be reviewed and modified, as necessary, but no less than once every six months.

Section 122.85 Transdisciplinary or interdisciplinary team

The transdisciplinary or interdisciplinary team shall invite the participation of the physician or LPHA who reviews and signs the IFSP.

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Section 122.APPENDIX A Early Intervention Services Provider Certification Application Components

The following items are required as attachments to the application pursuant to Section 122.40.

1. Detailed program description (including staff qualifications, dates and times of operations) for each service for which application is made.
2. Utilization review plan pursuant to 59 Ill. Adm. Code 121.65.
3. A copy of a child and family record format including copies of all forms to be used.
4. If accredited, a copy of the applicant's most recent accreditation letter and, if applicable, the report of survey findings.
5. Documentation of compliance with state and local ordinances and codes pursuant to 59 Ill. Adm. Code 121.40 as they relate to fire and safety for all sites where services are provided.
6. Documentation of compliance from a licensed plumber and electrician for all sites where services are provided. (A statement from a local or municipal/county building inspector will meet this requirement.)
7. A copy of the applicant's financial audit for the last fiscal year if it is not on file with the Department.
8. Policy statements on:
  - a. Third party payments (pursuant to Section 122.30 (d));
  - b. Written recommendation and clinical direction of services pursuant to Section 122.25 (a) and 122.80; and
  - c. Confidentiality of child and family records (pursuant to 59 Ill. Adm. Code 121.55).
9. The most recent contract that the applicant has with the Department for early intervention services.
10. A staffing roster that demonstrates the applicant's capacity to provide services according to this Part and 59 Ill. Adm. Code 121.



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discharge and exit criteria; (5) program evaluation and utilization review requirements; and (6) hearings and appeals process.

This Part will enable the Department to provide formal standards governing the provision of early intervention services.

This Part is being filed concurrently with proposed 59 Ill. Adm. Code 122. (16 Ill. Reg. 15691)

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rule contain incorporations by reference? Yes, this rulemaking incorporates by reference the standards of nationally recognized organizations as well as federal regulations (CFR).

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2201 et seq.)

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to: Rules Administrator, Illinois Department of Mental Health and Developmental Disabilities, 401 Stratton Building, Springfield, IL 62765, telephone (217)785-3313.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

Upon publication in the Illinois Register.

B) Types of small business affected:

Community agencies funded by the Department of Mental Health and Developmental Disabilities to provide early intervention services.

C) Reporting, bookkeeping or other procedures required for compliance:

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1) Heading of the Part: Early Intervention Program

2) Code Citation: 59 Ill. Adm. Code 121

3) Section Numbers: Proposed Action:

|         |             |
|---------|-------------|
| 121.10  | New Section |
| 121.15  | New Section |
| 121.125 | New Section |
| 121.130 | New Section |
| 121.135 | New Section |
| 121.140 | New Section |
| 121.145 | New Section |
| 121.145 | New Section |
| 121.40  | New Section |
| 121.45  | New Section |
| 121.50  | New Section |
| 121.55  | New Section |
| 121.60  | New Section |
| 121.65  | New Section |
| 121.70  | New Section |
| 121.75  | New Section |
| 121.80  | New Section |
| 121.85  | New Section |
| 121.90  | New Section |
| 121.95  | New Section |
| 121.100 | New Section |
| 121.105 | New Section |
| 121.110 | New Section |
| 121.115 | New Section |

4) Statutory Authority: Implementing and authorized by Section 9 of the Early Intervention Services System Act (Ill. Rev. Stat. 1991, ch. 23, par. 4159).

5) A Complete Description of the Subjects and Issues Involved: Part 121 is the Department's rule for providers of early intervention services for children from birth to 36 months old who have a developmental disability, developmental delay or high probability of developmental delay and their families. Development of this Part and its companion (59 Ill. Adm. Code 122, which is also being proposed in this issue of the Illinois Register) began in December, 1991 and has included considerable discussion with a subcommittee composed of community provider agencies, parents and other state agencies.

Key provisions of this Part are: (1) Child and family rights; (2) provider requirements, including those related to environmental management, administration, personnel and recordkeeping; (3) early intervention services; (4) operational procedures, including eligibility,



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Reporting, bookkeeping and procedures include: (1) Monthly submission of service delivery information; (2) procedures for complaints and appeals of actions to deny, reduce or discharge from services; (3) program evaluation and utilization review processes; (4) policies related to sanitation, health and safety; (5) staff and volunteer training programs; (6) recordkeeping requirements, including content, access, storage, items requiring documentation, and period required for maintenance; (7) notice to parents and parent substitutes of eligibility or ineligibility for services; (8) requirements for individualized family service plans; (9) discharge report and written notification of rights; and (10) establishment of a sliding fee scale for certain services.

D) Types of professional skills necessary for compliance:

Professional skills necessary for compliance are: (1) General business, recordkeeping and accounting skills; and (2) developmental disabilities treatment skills.

The full text of the Proposed Rules begins on the next page:

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TITLE 59: MENTAL HEALTH  
CHAPTER I: DEPARTMENT OF MENTAL HEALTH  
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## PART 121

## EARLY INTERVENTION PROGRAM

## SUBPART A: GENERAL PROVISIONS

| Section | Purpose                                     |
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| 121.10  | Incorporation by reference                  |
| 121.15  | Early intervention service principles       |
| 121.20  | Child and family rights and confidentiality |
| 121.25  | Definitions                                 |
| 121.30  |   |

## SUBPART B: PROVIDER REQUIREMENTS

|        |                             |
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| 121.35 | General requirements        |
| 121.40 | Environmental management    |
| 121.45 | Administrative requirements |
| 121.50 | Personnel requirements      |
| 121.55 | Recordkeeping               |
| 121.60 | Program evaluation          |
| 121.65 | Utilization review          |

## SUBPART C: OPERATIONAL PROCEDURES AND SERVICES

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| 121.75  | Screening and social history   |
| 121.80  | Assessment   |
| 121.85  | Eligibility, notice requirements and time frames for compliance        |
| 121.90  | Individualized family service plan (IFSP) development and modification |
| 121.95  | Transdisciplinary or interdisciplinary team                            |
| 121.100 | Early intervention services  |
| 121.105 | Discharge  |
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| 121.115 | Transition process   |

## SUBPART D: HEARINGS AND APPEALS

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| 121.120 | Representation             |
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| 121.130 | Pre-hearing conference     |
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121.APPENDIX A Utilization Guidelines

NOTE: Boldface type denotes statutory language.

AUTHORITY: Implementing and authorized by Section 9 of the Early Intervention Services System Act (Ill. Rev. Stat. 1991, ch. 23, par. 4159).

SOURCE: Adopted at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL REQUIREMENTS

Section 121.10 Purpose

a) The requirements contained in this Part establish criteria for participation by providers in the Department of Mental Health and Developmental Disabilities (Department)-funded early intervention program. The Department's early intervention program funds early intervention services as described in Subpart C of this Part.

b) The requirements contained in this Part do not apply to those early intervention services that are similar to those described in Subpart C but are funded by other sources. Other funding sources, such as the Elementary and Secondary Education Act (20 U.S.C. 2701 et seq., 1991) (P.L. 89-313, Chapter I) and the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq., 1991) (P.L. 102-119 Part H), have their own requirements governing the services that they fund.

c) The intent of this Part is to define and describe the role of the Department in implementing one component of the Early Intervention Services System Act (Ill. Rev. Stat. 1991, ch. 23, par. 4151 et seq.). This Part describes requirements for providing early intervention services by Department-funded core early intervention providers to children from birth to 36 months old who have a developmental disability, developmental delay or high probability of developmental delay and to their families.

d) The policies and procedures in this Part shall provide uniform directions for the Department's early intervention program.

Section 121.15 Incorporation by reference

Any rules or standards of an agency of the United States or of a nationally-recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

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Section 121.20 Early intervention service principles

Early intervention services shall be:

a) Family focused

The family is the focus of the service system. Families have the right to be involved in early intervention services to the extent that they desire. Families shall be provided encouragement and training to take the lead, if they so choose, in the development and implementation of early intervention services.

b) Designed to meet the developmental needs of the child

A comprehensive delivery system shall meet the unique needs of the child and family. The delivery service system shall be guided by an individualized family service plan (IFSP) and shall build on existing social service and community networks.

c) Of high quality

Early intervention services shall be provided by qualified personnel who have training in child development.

d) Provided in the most natural environment for the child and family

Early intervention services shall promote integration and participation of the entire family in the community by strengthening existing networks and by assisting the family to obtain community resources. Emphasis shall be placed on providing services whenever possible in environments with children with no disabilities.

e) Accessible to the family

Families of children with a developmental disability, developmental delay or high probability of developmental delay shall be able to access services within the geographic area in which they live. These services shall be sensitive to the social, economic and cultural needs of the family.

f) Of a transdisciplinary or interdisciplinary nature

Early intervention services shall be designed and provided by a transdisciplinary or interdisciplinary team, which shall consist of the parent or parent substitute and professionals. The professionals shall represent the different disciplines necessary



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to help to identify the needs of the family and those of the child.

- g) Provide for transition into community-based programs and services
- Assistance with transition planning shall be an essential part of the early intervention program. This shall include informing families of the child's entitlement to education and of the procedural safeguards, for a timely transition into the education system. Families shall also be informed of other community services that are available to meet the unique and changing needs of the child and family.

- h) Monitored and evaluated for quality assurance

Quality assurance shall entail a comprehensive program of internal and external monitoring to assess and identify needs that allow for strategic planning, cost-effectiveness and the enhancement of current and future services.

## Section 121.25 Child and family rights and confidentiality

Providers shall ensure that the rights of the child and family are protected and that all services provided to the child and family comply with the laws cited in subsections (a) and (b) below.

- a) The rights of the child and family shall be protected in accordance with Chapter 2 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1991, ch. 91, par. 2-100 et seq.), except that the use of seclusion shall not be permitted.
- b) The right of the child and family to confidentiality shall be governed by the Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1991, ch. 91, par. 801 et seq.).
- c) Staff shall inform the parent or parent substitute of a child who is entering a program of the following:
- 1) His or her rights according to subsections (a) and (b) above;
  - 2) His or her right to contact Protection and Advocacy, Inc. or to request advocacy from the local coordinating/advocacy provider, other service providers or Department grant-funded case coordination. The early intervention provider may be one of several potential sources offered for such advocacy.

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This information shall be given to the parent or parent substitute in writing. Staff shall offer assistance to the parent or parent substitute in contacting Protection and Advocacy, Inc., the coordinating/advocacy provider, the service providers or Department grant-funded case coordination;

- 3) His or her right to provide informed consent in writing, prior to:

- A) An initial screening, social history and assessment of the child;
- B) A family assessment;
- C) Initiation of services to the child and family; and
- D) An assessment subsequent to the initial screening, social history and assessment (unless he or she has specifically waived this requirement in writing).

- 4) His or her right to:

- A) Receive a timely assessment;
  - B) Refuse screenings, social histories, assessments and services;
  - C) Review and correct records; and
  - D) Upon request, be given a list by the provider of the types and locations of records collected, maintained or used by the provider relating to:
    - i) Screening, social history, assessment, eligibility determinations or the development and implementation of IFSPs; and
    - ii) Individual complaints dealing with children or families.
  - E) The provider shall also include the title and address of the person to whom requests to review such records should be made.
- 5) His or her right to selectively consent to proposed screenings, social histories or assessments and services recommended through the IFSP process;



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- 6) His or her right to present complaints, appeal actions to deny, modify, reduce or discharge from services;
- 7) His or her right to approve the individualized family services plan, as specified in Section 121.90 (f); and
- 8) Any impact on his or her resources or sources of payment, including insurance, as a result of receiving the early intervention services.

d) The information in subsection (c) above shall be explained using language or a method of communication that the parent or parent substitute understands, except in extraordinary circumstances. Documentation of such explanation shall be placed in the child and family's clinical record.

e) Providers shall have procedures that permit the family to present complaints and to appeal actions to deny, reduce or discharge from services. The provider complaint process shall permit the family to appeal an adverse provider decision to the authorized agency representative. The procedures shall require, at a minimum that:

- 1) Notification of the right to appeal actions to deny, modify, reduce or discharge from services be given to the parent or parent substitute on entry into the program;
  - 2) Written notice be given of the intent to deny and, 10 days in advance, of actions to modify, reduce or discharge from services. If the parent or parent substitute is unable to read, the information shall also be read and explained in a language or a method of communication that the parent or parent substitute understands, except in extraordinary circumstances;
  - 3) If the parent or parent substitute appeals the intended action, no provider action shall be implemented before a final administrative decision is made;
  - 4) Timeframes for notice of the intent to appeal and making of a final administrative decision be set; and
  - 5) No one directly involved in the action or decision being complained or appealed and/or who has a conflict of interest with either party be part of the review of that action or decision.
- f) If not satisfied with the authorized agency representative's decision on the complaint, the parent or parent substitute shall

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be informed of his or her right to appeal the decision in accordance with to Subpart D of this Part.

- g) The child and family shall not be denied services, discharged from services or have services reduced for exercising any of their rights while pursuing or after resolution of the complaint. No one shall be penalized for exercising his or her due process.

## Section 121.30 Definitions

For the purposes of this Part, the following terms are defined:

"Advocacy." The process of speaking for, on behalf of, an individual, group, or cause especially when rights or interests are at risk.

"Appellant." The family or agency which requests a hearing.

"Assessment." The ongoing procedures used by appropriate qualified personnel throughout the period of a child's eligibility under this Part to identify:

The child's strengths and unique needs;

The family's concerns, resources and priorities related to child development;

The nature and extent of early intervention services that are needed by the child and the child's family; and

The adjusted age level of the child's developmental skills.

"Authorized agency representative." A person appointed by the governing body who has responsibility for the provider's administration, including programmatic content and fiscal affairs.

"Center-based program." One in which early intervention service(s) are provided to children and/or families at a site owned or leased by the provider.

"Children and Family Services, Department of (DCFS)." The state agency in Illinois responsible for providing social services to children and their families, to operate children's institutions, and to provide certain other rehabilitative and residential services. (Ill. Rev. Stat. 1991, ch. 23, par. 5001 et seq.).



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"Code." The Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1991, ch. 91½, par. 1-100 et seq.).

"Confidentiality Act." The Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1991, ch. 91½, par. 801 et seq.).

"Coordinating/advocacy provider." Certified entity in local community area that coordinates early intervention services with other services needed by the family or child up to age 5. This entity provides staff support to the local interagency coordinating council. Services are for optional use of the family. This independent service provides advocacy functions for an individual family with infants and toddlers with handicaps or family groups. This entity is described in Section 6 of the Early Intervention Services System Act (Ill. Rev. Stat. 1991, ch. 23, par. 415b).

"Day." A working day unless otherwise noted.

"Department." The Department of Mental Health and Developmental Disabilities.

"Developmental delay." One in which a child is experiencing a delay in one or more of the following areas of childhood development as measured by appropriate diagnostic instruments and standard procedures: cognitive; physical, including vision and hearing; language, speech and communication; psycho-social; or self-help skills (Ill. Rev. Stat. 1991, ch. 23 par. 4153).

"Developmental disability." Disability which is attributable to mental retardation, cerebral palsy, epilepsy or autism; or to any other condition which results in impairment similar to that caused by mental retardation and which requires services similar to those required by mentally retarded individuals. Such disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial handicap (Ill. Rev. Stat. 1991, ch. 91½, par. 1-106).

"Developmental services." Consists of a wide range of services provided to a child and his or her family which are designed to enhance the child's development and promote his or her maximum level of functioning.

"Director." The Director of the Department.

"Early intervention." Consists of a wide range of services (as described in Section 121.100) provided for children from birth to

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36 months old with a developmental disability, developmental delay or high probability of developmental delay and their families. Early intervention programs are designed to improve child development, minimize potential delays, remediate existing problems, prevent further deterioration, limit the development of additional disabling conditions, and/or promote adaptive family functioning. The goals of early intervention are accomplished by providing developmental and therapeutic services to children and supportive instruction for their families.

"Early intervention aide." A person who has had training (as specified in Section 121.45(c)) that enables him or her to work with children and their family members, and provide services as an assistant to and under the supervision of an early intervention specialist. This person must have a minimum of one year supervised experience in the field of mental retardation or human services providing direct services.

"Early intervention program." Services as defined in this Part by a provider under a contractual agreement with the Department.

"Early intervention specialist." A person who meets the qualifications of a qualified mental retardation professional (QMRP) as defined in this Section. This person shall have a background in child development and shall be responsible for planning, coordinating and providing early intervention services to children and their families and supervising activities of early intervention aides.

"Evaluation." Process used by appropriate qualified personnel to determine a child's initial and continuing eligibility, including determining the child's status in each of the developmental areas specified in Section 121.90 (d)(1).

"Family." The parent or parent substitute, as defined by this Section, sister and brother of a child.

"Frequency and duration." Frequency means the number of days or sessions that a service will be provided and duration means the length of time the service is provided during each session.

"Governing body." The policy-making authority of a provider that establishes policies concerning the provider's operation and the welfare of individuals; provides for the provider's administration by appointing an authorized agency representative to implement its policies; and exercises general oversight of the provider's operation, its fiscal affairs and programmatic content to implement the provider's mission.



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"Guardian." The court-appointed guardian or conservator of the person under the Probate Act of 1975 (Ill. Rev. Stat. 1991, ch. 1104, par. 1-1 et seq.) or a temporary custodian or guardian of the person of a child appointed by an Illinois juvenile court or a legally-appointed guardian or custodian or other party granted legal care, custody and control over a minor child by a juvenile court of competent jurisdiction located in another state whose jurisdiction has been extended into Illinois via the child's legally authorized placement according to the applicable interstate compact (The Juvenile Court Act of 1987 (Ill. Rev. Stat. 1991, ch. 37, par. 801-1 et seq.); Interstate Compact on the Placement of Children (Ill. Rev. Stat. 1991, ch. 23, par. 2601 et seq.)).

"Hearing officer." The person appointed by the Director to preside at the formal administrative hearing.

"High probability of developmental delay." Means a physical or mental condition that meets one of the following:

A diagnosed medical disorder bearing a relatively well-known expectancy for developmental outcomes within varying ranges of developmental disabilities; or

A history of prenatal, perinatal, neonatal or early developmental events suggestive of biological insults to the developing central nervous system and which either singly or collectively increase the probability of developing a disability or delay based on a medical history (Ill. Rev. Stat. 1991, ch. 23, par. 4153).

"Individualized family service plan (IFSP)." Written plan developed by the transdisciplinary or interdisciplinary team. It contains a statement of the child's present levels of cognitive, physical (including vision and hearing), communication (including receptive and expressive language skills), and social or emotional development and adaptive skills based on acceptable objective criteria.

"Interdisciplinary process". The process in which different disciplines perform assessments and implement services in their discipline areas but work from an IFSP jointly developed with the parent or parent substitute.

"Local interagency coordinating council (local ICC)." Advisory body to the early intervention program responsible for local community needs assessments, planning, developing recommendations for local program development, and conflict resolution. The local

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ICC is composed of parents, representatives from the coordinating/advocacy provider, the regional diagnostic services, local early intervention agencies, and local state agency staff. The local ICC is described in Section 6 of the Early Intervention Services System Act.

"Natural environment." A place where children without disabilities would normally participate in developmentally and age-appropriate activities (includes home, day care, preschool, nursery school and recreation programs).

"Parent or parent substitute." A person acting in the capacity of a parent with respect to a child. The parent substitute shall be:

The legal guardian, if a legal guardian has been determined;

The natural or adoptive parent, if no legal guardian has been determined;

A person licensed as a foster parent and providing care under the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2211 et seq.);

A surrogate parent appointed by the Illinois State Board of Education; or

Another relative who is 21 years old or older who has a parent-like relationship with the child and who wishes to serve as the parent substitute. This relative shall be considered the parent for purposes of this Part if there is no objection from:

The legal guardian, if a legal guardian has been determined; or

The natural or adoptive parent, if no legal guardian has been determined.

"Physician." A physician licensed under the Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.).

"Provider." An agency funded by the Department to provide early intervention services according to this Part.

"Public Aid, Department of (DPA)." The state agency in Illinois responsible for administering the federal Medicaid program and other federal and state public assistance programs.



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"Quality assurance." A systematic and objective approach to monitoring and evaluating the appropriateness, adequacy and quality of services in order to identify and resolve problems.

"Qualified mental retardation professional." (QMRP) - A QMRP must have at least one year of experience working directly with individuals with mental retardation or other developmental disabilities and be one of the following:

A doctor of medicine or osteopathy licensed pursuant to the Medical Practice Act of 1987;

A registered nurse licensed pursuant to The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 3501 et seq.);

An occupational therapist or occupational therapist assistant certified by the American Occupational Therapy Association (Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 3701 et seq.));

A physical therapist certified by the American Physical Therapy Association (Illinois Physical Therapy Act (Ill. Rev. Stat., 1991, ch. 111, par. 4251 et seq.));

A physical therapist assistant registered by the American Physical Therapy Association or a graduate of a two-year college-level program approved by the American Physical Therapy Association;

An individual with at least a master's degree in psychology from an accredited school;

A social worker with a bachelor's degree from a college or university or graduate degree from a school of social work accredited or approved by the Council on Social Work Education or another comparable body (The Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat., 1991, ch. 111, par. 6351 et seq.));

A speech-language pathologist or audiologist with a certificate of Clinical Competence in Speech-Language Pathology or Audiology granted by the American Speech Language Hearing Association or comparable body or met the education requirements for licensure and be in the process of accumulating the supervised experience required for licensure (The Illinois Speech-Language Pathology and

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Audiology Practice Act (Ill. Rev. Stat., 1991, ch. 111, par. 7901 et seq.));

A professional recreation staff person with a bachelor's degree in recreation or in a specialty area such as art, dance, music or physical therapy;

A professional dietitian registered by the American Dietetics Association; or

A human services professional with a bachelor's degree in a human services field, including, but not limited to sociology, education, rehabilitation counseling or psychology.

"Respondent." The agency, person or division of the Department that made the decision being appealed.

"Service facilitation." The activities carried out to assist and enable eligible children and their families to receive the rights, procedural safeguards and services that have been chosen by the family and are authorized to be provided.

"Site." A discrete building that is owned, leased by, or loaned to a provider for the purpose of providing early intervention services.

"State Board of Education." The state agency responsible for setting policies and guidelines for public and private schools and appointing surrogate parents for children ages 0 to 21 and for acting as the lead state agency on early intervention.

"Third party." Any individual, institution, corporation, public or private agency which is or may be responsible (liable) for paying all or part of the costs of early intervention services provided to a child or family. One example is insurance.

"Transdisciplinary or interdisciplinary team." A group consisting of the parent or parent substitute, staff providing service facilitation, and representatives of disciplines and services necessary to identify the child's and family's needs and to design services and alternatives to meet them. At least one member of the team shall be an early intervention specialist. The process in which the team works together determines if the team is a transdisciplinary or interdisciplinary team.

"Transdisciplinary process." The process in which different disciplines work together with the parent or parent substitute to



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assess, plan and implement services by participating in mutual sharing of information and decision making. The process ensures the crossing of traditional disciplinary boundaries by role extension, exchange, release and support.

"Transition." A process designed to facilitate the movement from early intervention services or programs to appropriate early childhood programs that serve children 3-5 years of age or to other community service agencies.

"Utilization review." A process by which the provider regularly assesses, on a sample basis, the appropriateness of provider processes and outcomes related to services provided to children and their families.

SUBPART B: PROVIDER REQUIREMENTS

Section 121.35 General requirements

- a) Providers contracting with the Department to provide early intervention services under this Part shall comply with the following:

- 1) The provisions of the Abused and Neglected Children Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2051 et. seq.);
- 2) At a minimum, directly provide screening, social history, assessment, IFSP development, review and modification, service facilitation and developmental services; and
- 3) Deliver services in center-based, in non-provider site locations, and/or in other locations where the children and families served are located. Emphasis shall be placed on providing services whenever possible in natural environments with children with no disabilities.

- b) The Department does not fund early intervention services that are provided in child care institutions, skilled nursing facilities for persons under age 22 or to patients in hospitals. If a child being served by a provider is hospitalized on a short-term basis, the provider may continue to provide early intervention services to the child. The provider also may provide such services to a child in a hospital in order to transition the child from hospital-based services to the community early intervention program.

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- c) Providers shall comply with all requirements of 59 Ill. Adm. Code 103 (Grants).
- d) Providers shall communicate with children, their parents or parent substitutes, and families in (a language or a method of communication that they understand, except in extraordinary circumstances.
- e) All center-based programs shall comply with day care center standards set forth by the Department of Children and Family Services at 89 Ill. Adm. Code 407.29 (b) for medications.
- f) The provider shall be a member of the local interagency coordinating council (local ICC) and have written agreements with other members of the local ICC. The provider shall develop written agreements with other relevant human service providers in the service area as necessary.
- g) If a child leaves a provider's early intervention program and enters another early intervention program, the former provider shall share the child's IFSP and results of assessments with the new provider, with the consent of the parent or parent substitute.

Section 121.40 Environmental management

- a) Providers who deliver direct services to the child and/or family in a provider site shall use site(s) meeting accessibility standards as contained in the Illinois Accessibility Code (71 Ill. Adm. Code 400) pursuant to the Environmental Barriers Act (Ill. Rev. Stat. 1991, ch. 111, par. 3711 et seq.) and as set forth in the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq., 1991).
- b) Providers who deliver direct services to the child and/or family in a provider site shall also comply with one of the following:
- 1) Local code requirements for fire, building and sanitation, health and safety; or
  - 2) Fire, building and sanitation, health and safety requirements as follows:

A) Fire

- i) NFPA 10, - Standard for Portable Extinguishers, (National Fire Protection Association, 1984);



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- ii) NFPA 220, Standard Types of Building Construction, (National Fire Protection Association, 1985);
  - iii) NFPA 255, - Test of Surface Burning Characteristics of Building Materials (National Fire Protection Association, 1984);
  - iv) NFPA 258, Measuring Smoke Generated by Solid Material (Construction), (National Fire Protection Association, 1987);
  - v) Fire Resistance Index (Underwriters Laboratories, Inc., January 1987);
  - vi) Building Material Index (Underwriters Laboratories, Inc., January 1987); and
  - vii) The rules of the Office of the State Fire Marshal at 41 Ill. Adm. Code 100.
- B) Building
- i) The Illinois Plumbing License Law (Ill. Rev. Stat. 1991, ch. 111, par. 1101 et seq.);
  - ii) NFPA 70 - National Electrical Code (National Fire Protection Association, 1987); and
  - iii) The "Uniform" or "National Building Code" as adopted by the local or county ordinance.

C) Sanitation, health and safety

- i) Develop and maintain written policies and procedures for the provision of housekeeping services at the site(s). Such policies can be part of an existing agency-wide policy process, provided any requirements specific to children are noted.
- ii) Develop and maintain a written external and internal emergency disaster plan, including a fire evacuation plan. Such a plan can be part of an existing agency-wide plan, provided any requirements specific to children are noted.

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- iii) Designate space, equipment, and furnishings for the provision of services that shall be conducive to privacy, comfort and safety.
- 3) The Department shall not review for purposes of this Section providers which deliver early intervention services exclusively in locations other than provider sites. Such locations include, but are not limited to, the child's home, licensed home day care centers or other agreed on locations.
- c) All center-based programs shall comply with day care center standards set forth at 89 in Ill. Adm. Code 407.26 (g)(2) by the Department of Children and Family Services for minimum square footage requirements.

Section 121.45 Administrative requirements

- a) Each provider shall establish a mechanism to obtain input from parents of and advocates for children receiving early intervention services from the provider. The provider shall either establish an advisory committee that reports recommendations directly to the governing body or have consumer representatives on the governing body. If the advisory committee is the mechanism used, it shall include parents of and advocates for children receiving early intervention services from the provider.
- b) Each provider shall adhere to current Illinois statutes regarding conflict of interest and adopt a written policy concerning conflict of interest.
- c) Staff and volunteer training
  - 1) Staff training in principles and practices shall be provided to direct service and professional staff, and shall include but not be limited to, the following areas:
    - A) Cardiopulmonary resuscitation (CPR), Heimlich maneuver and first aid;
    - B) Proper handling and positioning of infants and toddlers;
    - C) Concepts on age and cultural appropriateness, normal/abnormal child development, and other developmental services depending on the needs of the child and family served or to be served;



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- D) Safety, fire, and disaster procedures including:
- i) Use of fire-fighting equipment; and
  - ii) Familiarity with the disaster preparedness plan.
- E) Responsibilities under the Abused and Neglected Child Reporting Act to report suspected abuse and neglect;
- F) Prevention, handling and reporting of unusual incidents (e.g. injury of child, parent appearing at site who is under restraining order);
- G) Individual rights according to Chapter 2 of the Code and maintaining confidentiality according to the Confidentiality Act;
- H) The nature, structure and monitoring of the IFSP;
- I) Infection control and sanitation;
- J) Food preparation and handling for staff who prepare and serve food to children; and
- K) The type, dosage, characteristics and side effects of medications prescribed for children receiving services.
- 2) The provider shall provide a training program for volunteers prior to their working with children and families. For volunteers working directly with children, training shall include areas discussed in subsections (1)(A), (1)(B), (1)(C), (1)(D) and (1)(E) above and in other subsections as necessary.
- d) Child and family records
- 1) The parent or parent substitute shall give informed consent to participate in the services specified in the individualized family service plan, that shall be documented in the child and family's record.
  - 2) The program shall ensure the confidentiality of the child and family's records according to the Confidentiality Act and shall ensure safekeeping of all records against theft, loss or destruction. Upon request, families shall have access within one day to the child and family's records and three days to obtain a copy.

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- 3) The program shall maintain a chronological record for each child and family which documents services and supports provided. A complete set of records shall be located at one site, designated by the program, which is accessible and convenient to staff and the parent or parent substitute contributing to the plan.
  - 4) Specific information shall be obtained, recorded and updated as necessary. The child and family's record shall be maintained with periodically updated background information to ensure a comprehensive view of the child's development.
  - 5) The child and family's record shall contain all prior service and assessment information during the period of service.
  - 6) The child and family's financial record shall include the financial status of the child and family at service initiation, with an annual update.
- e) Fiscal and statistical requirements
- 1) A provider shall not charge children and families who are at or below 185 percent of the federal poverty level, after all allowable deductions, for any early intervention services.
  - 2) For children and families who are above 185 percent of the federal poverty level, a provider shall comply with the following:
    - A) The provider shall establish a sliding fee scale for services based on the parent or parent substitute's ability to pay, after all allowable deductions. Consideration shall also be given to the additional costs normally associated with caring for a child with a disability.
    - B) A sliding fee scale shall be established for the following services:
      - i) Developmental services;
      - ii) Occupational therapy;
      - iii) Physical therapy;
      - iv) Psychological services;



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- v) Speech therapy; and
  - vi) Transportation.
- C) The parent or parent substitute may elect to have his or her insurance billed for the cost of services in lieu of paying the fees directly.
- D) Children and families shall not be charged for the following services:
- i) Screening;
  - ii) Social history;
  - iii) Assessment;
  - iv) IFSP development, review and modification; and
  - v) Service facilitation.
- E) No one shall be denied services based on an inability to pay.
- F) If the provider accepts the Medicaid reimbursement rate for a service, the provider cannot charge a child or family any additional amount. The Medicaid reimbursement rate for a service is derived pursuant to 59 Ill. Adm. Code 122.70.

- 3) A provider shall report services rendered under the early intervention program to the Department in the manner required by the Department. These reports shall include the following:

- A) Each type of service provided to each child or family, including the date of service and the number of units provided.
- B) The provider shall keep and make available such hard copy records and source documents associated with each submitted service report as necessary to disclose fully the nature and extent of services reported therein.

Section 121.50

Personnel requirements

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- a) Early intervention providers shall employ an early intervention program administrator whose minimum level of education or experience includes an undergraduate degree in child development, special education, or a related human service field with two or more years experience working with children with a developmental disability or children from birth to 5 years old.
- b) The provider shall employ early intervention specialists and may employ early intervention aides. The provider shall ensure staff/child ratios do not exceed 1:4 for all group activities for children who are eligible and are served in the early intervention program (excluding siblings).
- c) The provider shall employ, have a written contractual agreement with, or have a referral process in place so that a child may have access to the following professionals (whose qualifications shall meet state and federal guidelines) for purposes of assessment, planning and/or direct service:

- 1) Physician;
- 2) Registered nurse;
- 3) Social worker;
- 4) Psychologist;
- 5) Physical therapist;
- 6) Occupational therapist;
- 7) Speech-language pathologist;
- 8) Audiologist;
- 9) Vision specialist (ophthalmologist);
- 10) Early childhood education teacher/child development specialist; and
- 11) Nutritionist/dietitian.

Section 121.55 Recordkeeping

- a) The individual records required to be maintained must be kept for a period of not less than five years from the date of service, except that if an audit is initiated within the required retention



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period the records must be retained until the audit is completed and every exception resolved. This provision is not to be construed as a statute of limitations.

- b) The compilation and storage of and access to child and family records shall be governed by written policies and procedures, according to the Confidentiality Act, that shall specify that:
  - 1) Access to child and family records shall be limited to persons authorized by the Confidentiality Act, including the family;
  - 2) All entries in the child and family record shall be current, legible, dated and signed by the author;
  - 3) Facilities for the handling, processing and storage of child and family records shall be secured from theft, loss, or fire and access limited to personnel authorized by the provider; and
  - 4) Child and family data maintained on magnetic tapes, computer files, or other automated information systems shall be secure from theft, loss, or fire.
- c) The child and family's clinical record shall contain, but is not limited to, the following:
  - 1) Identifying information including name, Medicaid recipient identification number, address and telephone number, sex, date of birth, primary language or method of communication, emergency contact or parent or parent substitute, date of initial contact and initiation of early intervention services, third party coverage and source of referral;
  - 2) Documentation of consent for early intervention services;
  - 3) Assessment and reassessment reports;
  - 4) A current individualized family services plan (IFSP), progress notes and reviews, and documentation of the relationship of the service(s) to the IFSP goal and child and family progress.
  - 5) Documentation of known child and family movement (referral/transfer) during any active service period to or from the provider's programs or to or from other providers;

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- d) Hard copy and source documentation to support each service rendered that includes:
  - 1) The specific service(s) rendered;
  - 2) The date the service(s) were rendered; and
  - 3) Who rendered the service(s).
- e) Periodic reviews describing the child's overall progress;
- f) Rationale for provision of services beyond utilization guidelines specified in Section 121.60 Appendix A;
- g) A record of complaints filed by the family, including the nature of the complaint, date of complaint, and a statement regarding the resolution of the complaint;
- h) A record of the child's major accidents or incidents that occur at the site with regard to a specific child resulting in an adverse change in the child's physical and/or mental functioning; and
- i) Discharge summary documenting the outcome of interventions and, as necessary, the linkages for continued services.

Section 121.60 Program evaluation

The provider must document that it has and uses a program evaluation system for the purpose of determining the degree to which a program is meeting its goals and objectives.

- a) This system shall monitor quantitative characteristics such as caseload information, and qualitative characteristics such as family satisfaction with services and the family's perspectives regarding service strengths and needs.
- b) The evaluation system shall include mechanisms for producing evaluation reports for internal use that describes the outcome of monitoring activities.
- c) These reports shall serve to interpret and summarize data into useful information, and to provide recommendations for remediative action when necessary.
- d) The program evaluation system can be part of an existing agency-wide system, provided it is applied to the early intervention program.



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## Section 121.65 Utilization review

- a) There shall be a written utilization review plan and ongoing activities designed to assess the appropriateness of the admission to early intervention services, intensity/level of services, and continued services. The written utilization review plan shall address:

- 1) The methods and procedures for performing and recording individual case reviews;
- 2) The review protocol to be used;
- 3) The authority and functions of the staff designated to do the individual case reviews. The designated staff may be:
  - A) A committee that is representative of the staff providing the services. The committee must include at least one early intervention specialist and may include early intervention aides; or
  - B) An early intervention specialist.
- 4) Procedures describing the method for selecting cases for quarterly case review and the procedures for reviewing at least 10 percent of the children and families served under this Part annually;
- 5) Procedures to ensure that the review includes and summarizes the child's progress over the previous 90 calendar days;
- 6) Policies and procedures for documenting and reporting individual case review findings, determinations and recommendations to the supervising early intervention specialist and, if applicable, the reporting department;
- 7) Procedures for appeal by families and staff affected by the utilization review decisions with which they disagree;
- 8) Provisions for ensuring confidentiality of individual case reviews, determinations, results, and/or recommendations according to the Confidentiality Act;
- 9) Procedures for following up on case review recommendations; and
- 10) Procedures to ensure that the final written approval and

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authorization for continuing treatment beyond established service utilization parameters is provided only by the signature of the reviewing early intervention specialist.

- b) In no instance shall staff performing utilization reviews be allowed to conduct such reviews on individuals who are in their own caseload.

## SUBPART C: OPERATIONAL PROCEDURES AND SERVICES

## Section 121.70 Timeframe for completion of process

When capacity is available in the program as described in Section 121.75 (e), a provider shall complete the processes outlined in Sections 121.75, 121.80, 121.85 and 121.90 for the minimum services specified in Section 121.35 (a)(3) within 45 days after the date of the referral for early intervention services or after the date of notification to the parent or parent substitute of the availability of capacity.

## Section 121.75 Screening and social history

- a) Providers shall establish a written system of screening that incorporates the use of formal and informal methods to determine the child's need for further assessment. This process shall include at least the following:
- 1) Screening with a reliable tool for children that is appropriate based on age and disability;
  - 2) Review of pertinent information available at the time of screening;
  - 3) Interview with the parent or parent substitute, and when possible, with other family member(s); and
  - 4) Observation of the child.
- b) If a child is referred by a physician who has diagnosed the child as having a developmental disability, developmental delay or high probability of developmental delay, a screening is not necessary. The provider shall proceed with the social history process for the child as specified in subsection (f) below.
- c) If the screening indicates that the child does not need further assessment, the provider shall inform the parent or parent substitute at the time of screening. The provider shall also



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inform the parent or parent substitute that this finding does not preclude the child from being screened again in the future.

- d) If the screening indicates that the child needs further assessment and there is no space available in the program, the provider shall inform the parent or parent substitute at the time of screening. A letter shall be sent to the parent or parent substitute and shall include a statement that as vacancies in the program become available the provider will contact the parent or parent substitute in order to schedule assessments. The letter shall also provide a listing of other early intervention providers in the geographic area and their addresses.

- e) If the screening determines that the child needs further assessment and there is space available in the program, the provider shall proceed with the social history process for the child as specified in subsection (f) below.

- f) The social history process shall consist of:

- 1) Intake components, including but not limited to the following:

- A) Identification data (child's name, date of birth, sex, race, legal residence, parent or parent substitute's name, child's social security number and residence);
- B) Medical records and relevant information from other agencies where the child received services;
- C) Orientation procedures for the parent or parent substitute, including an explanation of all rights specified in Section 121.25 and of the IFSP process. These procedures shall use the language or a method of communication that the parent or parent substitute understands, except in extraordinary circumstances;
- D) Reason for referral (if applicable);
- E) Source of referral (if applicable);
- F) Medical diagnosis (when available);
- G) Parent or parent substitute's concerns; and
- H) Information on income and possible sources of payment for services, including Medicaid and/or insurance.

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- 2) Social history document, including but not limited to the following:

- A) Personal and family history;
- B) Present level of functioning in the family, living situation; and
- C) The need for social services to meet the needs of the child and family.

Section 121.80 Assessment

- a) After completion of the social history process specified in Section 121.75 (f), an assessment of each child shall be conducted by personnel trained to use appropriate methods and procedures. Local community providers shall use a transdisciplinary or interdisciplinary team approach to conduct and/or obtain an assessment of the developmental appropriateness through reviewing pertinent records related to the child's current health status. Assessments shall be performed to determine the child's functioning in the areas specified in Section 121.100 (a). Assessments shall be administered by the appropriate professionals. If an assessment being used is not described in the Supplement to the Tenth Mental Measurements Yearbook (Jane Close Conoley and Jack J. Kramer, ed., University of Nebraska Press, 1990) or previous editions of this publication, the provider must assure the assessment is standardized, valid and reliable.

- b) Responsibility for the assessment shall be assumed by an early intervention specialist who has had, at a minimum, one face-to-face contact with the child and his or her parent or parent substitute during which the parent or parent substitute was given the opportunity to provide pertinent information.

- c) Assessments shall be performed for the child at least annually, and more often if determined necessary by the transdisciplinary or interdisciplinary team as a result of the child's changing needs.

Section 121.85 Eligibility, notice requirements and time frames for compliance

- a) Families of children aged birth to 36 months old with a developmental disability, developmental delay or high probability of developmental delay may apply for Early Intervention services



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at a local early intervention provider funded through the Department.

- b) Providers must use one of the following eligibility criteria to categorize the child's developmental condition:

- 1) Developmental disability as defined in Section 121.30.
- 2) Developmental delay as defined Section 121.30.
- 3) High probability of developmental delay as defined in Section 121.30.

c) If the child is determined eligible for services, the provider shall send a letter to the parent or parent substitute and shall contact the parent or parent substitute to determine a time to develop the IFSP. If the parent or parent substitute is unable to read, the information shall be read and explained in a language or a method of communication that the parent or parent substitute understands, except in extraordinary circumstances. The child's service eligibility will be based on the child meeting either subsection (b)(1), (2) or (3) above and adequate capacity to provide services.

d) If the child is determined ineligible for services a letter shall be sent to the parent or parent substitute stating the reason(s) the child is ineligible for services. The letter shall also include the name of the person to contact or the process to begin the appeal process. The appeal of service denial may be made as described in Subpart D of this Part. If the parent or parent substitute is unable to read, the information shall be read and explained in a language or a method of communication that the parent or parent substitute understands, except in extraordinary circumstances.

e) The following are the timeframes for complying with eligibility and age requirements for children served under this Part:

- 1) Any child admitted to an early intervention program on or after the effective date of this Part must meet the eligibility criteria set forth in subsections (a) and (b) above.
- 2) A child in an early intervention program on the effective date of this Part who does not meet the eligibility criteria set forth in subsection (b) above may continue to receive early intervention services until the child is 36 months old.

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- 3) A child in an early intervention program on the effective date of this Part who is age 36 months or older may continue to receive early intervention services until the child is transitioned to education or other community services according to Section 121.115.

Section 121.90 Individualized family service plan (IFSP) development and modification

- a) An initial IFSP shall be developed by the transdisciplinary or interdisciplinary team. The IFSP shall be based on: family concerns, resources, and priorities; and the assessment results.
- b) The IFSP shall be developed jointly by the child's parent or parent substitute and other members of the transdisciplinary or interdisciplinary team. The IFSP shall be signed and dated by the parent or parent substitute and the early intervention specialist involved in the formulation of the IFSP. A copy of the signed and dated IFSP shall be given to the child's parent or parent substitute and incorporated into the child's clinical record. If the parent or parent substitute is unable to read, the IFSP shall be read and explained in a language or a method of communication that the parent or parent substitute understands, except in extraordinary circumstances.
- c) The IFSP meetings shall be conducted in settings and at times that are convenient to the parent or parent substitute.
- d) The IFSP shall include a child and family component that shall provide the following:
  - 1) A statement of the child's present levels of cognitive, physical (including vision and hearing), communication (including receptive and expressive language skills) and social and emotional development and adaptive skills based on acceptable objective criteria;
  - 2) Any need for further assessment;
  - 3) Statement of outcomes expected for both the child and family;
  - 4) Statement of specific early intervention services, service location, frequency and duration appropriate to enhance the development of the child and the capacity of the family to meet the special needs of the child and meet the resource needs of the family;



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- 5) Statement of other services (non-early intervention) needed by the child or family and provision for referral to these services;
- 6) Identification and coordination of other resources in the community that are needed to meet the program goals and objectives of the IFSP;
- 7) A description of the parent or parent substitute's role in the intervention process, the parent or parent substitute's expectations for the child and the concerns, resources and priorities of the family related to the development of the child;
- 8) Intervention dates including starting dates, expected duration, criteria for completion and completion dates;
- 9) Service dates, including referral, assessment and enrollment dates;
- 10) Provisions for an update of the child's plan for services, goals and progress toward goals at least every six months;
- 11) The name(s) of the staff providing service facilitation for implementation of the plan and coordination with other agencies and persons;
- 12) The steps to be taken supporting the transition of the child over 30 months old to educational services and other available appropriate services.

- e) Responsibility for coordinating development of the IFSP shall be assumed by a early intervention specialist as documented by his or her signature on the IFSP.
- f) If a parent or parent substitute does not agree with any portion of the IFSP, including any recommendations to modify or reduce services, only those portions that the parent or parent substitute agrees with shall be implemented until a resolution can be reached. The transdisciplinary or interdisciplinary team shall meet again to discuss the areas of disagreement. If the parent or parent substitute wishes, he or she can request a different person within the agency to provide service facilitation. The parent or parent substitute can also contact the local ICC or Department grant-funded case coordination to request assistance in resolving the disagreement.

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- g) If multiple providers are involved in providing services, the following shall be required:
  - 1) One master IFSP shall be developed by a team of persons, including the parent or parent substitute, who are responsible for providing the respective services; and
  - 2) Results of assessments of a child shall be shared across providers, with the consent of the parent or parent substitute.
- h) At least on an annual basis, the IFSP shall be reevaluated jointly by the parent or parent substitute and other members of the transdisciplinary or interdisciplinary team to determine whether additional assessments or modifications are necessary.

Section 121.95 Transdisciplinary or interdisciplinary team

- a) The provider shall assure that each child and family has a single transdisciplinary or interdisciplinary team which shall be responsible for preparing, revising, documenting and implementing the IFSP in accordance with Section 121.90.
- b) The transdisciplinary or interdisciplinary team shall consist of:
  - 1) The parent or parent substitute, who shall be encouraged to assume as much leadership in designing the plan as he or she wishes;
  - 2) The staff providing service facilitation who has been agreed on by the family;
  - 3) The persons who work most directly with the child and family both at the program and at the child and family's home; and
  - 4) The professionals who assess the child's strengths and needs and the family's concerns, resources and priorities related to child's development, and design and evaluate the child and family's IFSP.
- c) At least one member of the transdisciplinary or interdisciplinary team shall be an early intervention specialist who shall provide those services specified in Section 121.100 and shall be responsible for convening the transdisciplinary or interdisciplinary team.

Section 121.100 Early intervention services



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a) Assessment

1) Description

An assessment of the child to determine if, and to what extent, the child has a developmental disability, developmental delay or high probability of developmental delay through evaluation of present level of development and needs, impediments to further development and cause of disability; and recognition of services needed to enable the child to develop to the maximum level of independent functioning. The assessment will include, at a minimum, the assessment and written report of the following:

- A) Cognitive functioning;
- B) Legal status;
- C) Developmental status;
- D) Functional limitations (vision, speech, hearing, seizures, health medications, and mobility);
- E) Adaptive behavior (motor skills, social or emotional skills, communication, receptive and expressive language skills, personal living skills, and community living skills);
- F) Social and leisure activity;
- G) The need for psychological services, physical therapy, occupational therapy, speech therapy, developmental services, and hearing and vision services to meet the needs of the child and family;
- H) Physical development; and
- I) Unique needs.

2) Minimum level of provider: Early intervention specialist

b) Developmental services

1) Description

Developmental services shall be designed to create or incorporate learning environments and activities that promote the child's maximum functioning in a variety of

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developmental areas, including cognitive processes and communication skills. Services provided to families will include the provision of: parent education and training identified as needed in the IFSP; and direct child intervention in all areas to promote growth and build skills in all activities to enhance the child's development.

2) Minimum level of provider: Early intervention specialist or early intervention aide

c) Individualized family service plan (IFSP)

1) Description

The IFSP shall be developed and monitored in accordance with Section 121.90 and shall:

- A) Describe the early intervention service needs of the child and family;
- B) Describe the early intervention services to be provided;
- C) Contain a statement related to the goals, objectives, and expected outcome(s) for both the child and family from the early intervention service(s) to be provided;
- D) Indicate the person responsible for coordinating development and carrying out the IFSP; and
- E) Indicate the person providing service facilitation.

2) Minimum level of provider: Early intervention specialist

d) Occupational therapy

1) Description

This service consists of an evaluation and services to address the functional needs of a child related to the performance of adaptive behavior and play, and sensory, motor, and postural development. These services are designed to improve the child's functional ability to perform tasks at home and include:

- A) Identification, assessment and intervention;



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- B) Adaptation of the environment, and selection, design and fabrication of assistive and orthotic devices to facilitate development and promote the acquisition of functional skills;
- C) Prevention or minimization of the impact of initial or future impairment, delay in development, or loss of functional ability.
- D) Consultation with the family related to the needs of the child.
- 2) Minimum level of provider: An occupational therapist, or occupational therapist assistant under the supervision of a occupational therapist, who shall be licensed pursuant to and provide services allowed under the Illinois Occupational Therapy Practice Act.

e) Physical therapy

1) Description

This service consists of the following:

- A) Administration, interpretation and evaluation of tests and measurements of bodily functions and structures;
- B) The planning, evaluation and modification of treatment and instruction, including the use of physical measures, activities, and devices, for preventive and therapeutic purposes; and
- C) The provision of consultative and other advisory services to reduce the incidence and severity of physical disability, movement dysfunction and related functional problems. (Taken from the definition of physical therapy adopted by the American Physical Therapy Association, March 1986)

- 2) Minimum level of provider: A physical therapist, or physical therapist assistant under the supervision of a physical therapist, who shall be licensed pursuant to and provide services allowed under the Illinois Physical Therapy Act.

f) Psychological services

1) Description

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Psychological services consists of intelligence testing, diagnosis, counseling for the child and/or family, evaluation, consultation, therapy, program development, assistance with transition, and training of staff in such areas as child development and family dynamics.

- 2) Minimum level of provider: All services except for therapy must be provided by an individual with experience working with children from birth to 5 years old who is either licensed pursuant to the Clinical Psychologist Licensing Act or is a certified school psychologist (Ill. Rev. Stat. 1991 ch. 122, par. 14-1.09). Therapy must be provided by an individual with experience working with children from birth to 5 years old who is licensed pursuant to the Clinical Psychologist Licensing Act.

g) Screening services

1) Description

A systematic screening process that includes the use of formal and informal methods to determine the child's eligibility for services or the need for further assessment. These methods shall include the following:

- A) Screening with a reliable tool for children that is appropriate to the age and disability of the child as specified in Section 121.75 (a)(1);
- C) Review of pertinent information available at the time of screening;
- D) Interviews with the parent or parent substitute, and when possible, with other family member(s); and
- E) Observation of the child.
- 2) Minimum level of provider: Early intervention specialist

h) Service facilitation

1) Description

Service facilitation ensures accessibility, availability, continuity of care accountability, and comprehensiveness of services to maximize the potential of families and children with a developmental disability, developmental delay or high probability of developmental delay. These services include:



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- A) Linkage to, coordination of and referral to needed social, medical, support, family counseling and training, and other services as identified in the IFSP;
- B) Monitoring to ensure the delivery of appropriate services to the child and family;
- C) Advocacy to assist the child in obtaining all services to which he or she is entitled;
- D) Assisting the parent or parent substitute in applying for Medicaid (42 U.S.C.A. 1396 et seq., 1991), Supplemental Security Income (42 U.S.C.A. 1381 et seq., 1991) and other benefits as appropriate; and
- E) Assisting with the identification of a transportation provider and scheduling and arranging transportation to and from the source of services.

- 2) Minimum level of provider: Early intervention specialist or early intervention aide

i) Social history

1) Description

- A) A document that summarizes background information on the child and family. The social history shall include, at a minimum, the following:

- i) Personal and family history;
- ii) Present level of functioning in the family, living situation; and
- iii) The need for social services to meet the needs of the child and family.
- iv) It shall also include the intake process described in Section 121.75 (f)(1).

- 2) Minimum level of provider: Early intervention specialist or early intervention aide

j) Speech therapy

1) Description

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Speech therapy consists of an evaluation, direct family counseling, consultation with appropriate professionals for speech improvement and speech education activities, use of augmented communication systems, oral motor skill development, and collaboration with appropriate professionals to develop specialized programs for developing skills of children in receptive (for example, speech, auditory training, and hearing aid utilization) as well as expressive (for example, improvement in articulation, voice, rhythm, and language) communication.

- 2) Minimum level of provider: Must either be licensed under the Illinois Speech-Language Pathology and Audiology Practice Act or be certified by the State Board of Education (Ill. Rev. Stat. 1991, ch. 122, par. 21-1 et seq.) to provide the above services.

k) Transportation

Transportation services are provided to and from the source of services, using the least expensive means adequate to meet the needs of the individual. Transportation services may include assistance with public transportation, taxi cab assistance and payment, and other means of transportation.

Section 121.105 Discharge

a) Discharge may occur due to:

- 1) The parent or parent substitute has notified the provider that he or she wishes the child to stop participating in the program;
  - 2) The child has moved out of the provider's service area;
  - 3) The child has moved and cannot be located;
  - 4) The child's has attained exit criteria in accordance with Section 121.110;
  - 5) The child has died.
- b) The provider shall comply with requirements specified in Sections 121.55 and 121.115.
- c) Lack of capacity in the early intervention program shall not be a reason to discharge a child.



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- d) On discharge, the provider shall document in the child's record the date and reason for the discharge.
- e) Prior to discharge pursuant to subsection (a)(4), the transdisciplinary or interdisciplinary team shall meet to discuss the possibility of discharge. If the parent or parent substitute does not agree that the child no longer meets the criteria for developmental delay, or if the transition process has not occurred in accordance with Section 121.115, the parent or parent substitute shall be informed of his or her right to appeal the provider's decision to discharge in accordance with Section 121.25 (e) and Subpart D of this Part. If the parent or parent substitute is unable to read, the information shall also be read and explained in a language or method of communication that the parent or parent substitute understands, except in extraordinary circumstances.
- f) The provider shall not discharge a child from the early intervention program without at least a 10 calendar day notice to the parent or parent substitute.
- g) Discharge from a program does not prevent a parent or parent substitute from reapplying for early intervention services unless the discharge is due to the reasons specified in subsections (a) (4) and (a) (5) above.

Section 121.110 Exit criteria

Providers shall discharge the child from participation in Department-funded early intervention services as described in this Part on the child's third chronological birthday or if the child no longer meets the criteria for a developmental delay.

Section 121.115 Transition process

- a) The provider shall have a systematic process in place to transition children served in its early intervention program to other services, regardless of whether such services are to be provided by the local educational agency or by other community service agencies. The process established for transitioning the child to education or other community services shall commence no later than 30 months of age. Subsections (b) and (c) apply if the child is transitioning to educational services. Subsection (c) applies if the child is transitioning to other community services.

- b) The transition process shall be written for each child and shall include at a minimum the following activities:

- 1) A meeting with the child's parent or parent substitute to explain the transition process and the steps outlined below.
- 2) An interagency staffing conducted prior to discharge, with, at a minimum, participation of the child's parent or parent substitute and early intervention staff. The local educational agency (LEA) shall be asked to participate. However, the staffing shall not be delayed if efforts to access the LEA's participation are unsuccessful.
- 3) A written discharge report including the child's strengths and needs, environments in which learning occurs, current goals and objectives, and an overall progress summary from the early intervention program with recommendations for future programming. It shall also specify the following:
  - A) Any findings based on a standardized, valid and reliable assessment tool; and
  - B) Those services recommended for the child by the local educational agency.
- 4) Written notification to the parent or parent substitute of his or her rights, under Part B of the Individuals with Disabilities Education Act prior to discharge.
- 5) Training for the parent or parent substitute in how to advocate for his or her child.
- 6) Referral to the local coordinating/advocacy provider or other advocacy agency, including Department grant-funded case coordination.
- c) The provider shall ensure the continuity and coordination of services as provided in the child's IFSP. The provider shall:
  - 1) Communicate relevant treatment and service information prior to or at the time that the child is transferred to a receiving program of the provider, or is discharged from service and referred to a program operated by another service provider, if the parent or parent substitute provides written authorization; and



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- 2) Document in the child's record the referrals to other human service providers and follow-up efforts to link the child to services.

- d) If the parent or parent substitute does not wish for the child to be transitioned to education or other community services, the provider shall document that in the child and family's record.

## SUBPART D: HEARINGS AND APPEALS

## Section 121.120 Representation

An appellant may be represented during the hearing and appeals process by the person of his or her choice, including an attorney. The appellant may also represent himself or herself. The appellant shall not be charged for initiating the hearings and appeals process. If the appellant chooses to be represented by an attorney, the Department shall not pay the costs incurred for such representation.

## Section 121.125 Notice

- a) On receiving a request to appeal a provider's decision to deny, modify, reduce or discharge from services, the Department shall send the appellant a notice that shall contain:

- 1) A statement of the right to a hearing;
- 2) A statement that if the parent or parent substitute desires a hearing, he or she must request a hearing in writing within 10 days of the date of receipt of the notice.
- 3) The address where the request should be sent.

- b) The notice of a hearing shall contain:

- 1) A statement of the nature of the hearing;
- 2) A statement of the time and place of the hearing or if a pre-hearing conference is scheduled by the Department, the time and place of the conference;
- 3) A reference to the particular Sections of this Part involved.

- c) All notices under this Section shall be served either personally or by certified mail on the appellant or his or her agent authorized to receive service of process. The notice shall be in the language that the appellant understands, except in

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extraordinary circumstances. If it is known that the appellant cannot read, then the notice shall be explained to the appellant verbally.

## Section 121.130 Pre-hearing conference

- a) A pre-hearing conference may be scheduled by the hearing officer at his or her discretion or at the request of the appellant pursuant to subsection (b) of this Section. This conference shall be held prior to the hearing and shall be for the purpose of considering:

- 1) The clarification of the issues;
- 2) The possibility of obtaining admissions of fact and documents that would avoid unnecessary proof or testimony;
- 3) The possibility of a resolution of the case without a hearing; and
- 4) Any other matters that may aid in the disposition of the appeal.

- b) In any proceeding under this Part in which the hearing officer has not scheduled a pre-hearing conference, the appellant or the Department may request the scheduling of a pre-hearing conference. Such request shall be made in writing and received by the hearing officer at least 72 hours prior to the scheduled date of the hearing. On receipt of the request, the hearing officer shall schedule a hearing and notify appellant and respondent of the date, time and place of the conference.

- c) If the pre-hearing conference results in a resolution of the appeal by agreement of the parties, the hearing officer shall issue an order reciting the agreement and dismissing the appeal.

## Section 121.135 Conduct of hearings

- a) All hearings shall be open to the public, unless the hearing officer determines that personally identifiable information concerning a recipient of developmental disabilities services, as defined by the Code, would be presented at the hearing without the recipient's consent and such information is necessary to the resolution of the hearing.



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- b) The hearing officer shall regulate the course of the hearing, hold informal conference for the settlement or definition of the issues, dispose of procedural requests; continue the hearing from time to time when necessary; examine witness, and rule upon the relevancy of evidence.
- c) At the hearing, both parties may present written and oral evidence. The respondent shall have the burden of proving that there was substantial evidence to support its decision. Substantial evidence is such evidence as a reasonable person can accept as adequate to support a conclusion. Upon the conclusion of the respondent's presentation, the appellant may present written and oral evidence. Written opening or closing arguments, legal memorandum, trial briefs or similar documents shall not be permitted unless the parties so stipulate. This shall not prohibit the hearing officer, sua sponte, from requesting that certain issues be briefed by the parties.
- d) The hearing officer shall conduct the hearing in a manner that ensures both parties are allowed to present their evidence and arguments fully and freely. Any party or representative may ask questions of any other party or witness, and the hearing officer may ask questions of any party or witness. Questions impeaching the witness' character or credentials shall be improper.

## Section 121.140 Hearing officer's decision

Within 10 days after the hearing, the hearing officer shall issue his or her written decision, unless he or she has requested briefs from the parties. In no event shall the decision be issued more than 30 days after the Department received the request for a hearing. The decision shall contain findings of facts, conclusions and the method of appealing the decision. Copies of the decision shall be mailed to both parties.

## Section 121.145 Appeal to the Director

- a) Either party may request a review of the hearing officer's decision by the Director or his or her designee no more than 20 days after the receipt of the decision.
- b) Upon receipt of the request for review, the Director or his or her designee shall review the hearing officer's decision and copies of all documents considered at the hearing. Within 15 days of receipt of the request for review, the Director or his or her designee shall issue a written decision upholding or reversing the hearing officer's decision. The Director or his or her designee

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- shall uphold the decision if he determines that the hearing decision is supported by substantial evidence. Copies of the decision shall be sent to both parties and the hearing officer.
- c) The Director or his or her designee's decision shall constitute a final administrative decision.
- d) Final administrative decisions shall be subject to judicial review exclusively as provided in the Administrative Review Law (Ill. Rev. Stat. 1991), ch. 110, par. 3-101 et seq.)



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## Section 121.APPENDIX A Utilization Guidelines

| SERVICE                                       | PER CHILD AND FAMILY   |   |
|---|--|---|
|   | MINIMUM<br>REPORTABLE<br>UNIT  | GUIDELINE<br>FOR DAY*<br>GUIDELINE<br>FOR YEAR* |
| Assessment                                    | 15 min.  | 2 hours 12 hours                                |
| Developmental services                        | 30 min.  | 4 hours 200 hours                               |
| Individualized family services<br>plan (IFSP) | 15 min.  | 4 hours 16 hours                                |
| Occupational therapy                          |  |   |
| *Provision of services                        | 15 min.  |   |
| *Evaluation                                   | No time limit  |   |
| Physical therapy                              |  |   |
| *Provision of services                        | 15 min.  |   |
| *Evaluation                                   | No time limit  |   |
| Psychological services/evaluation             |  |   |
| Provision of services                         | 15 min.  | 4 hours 50 hours                                |
| Screening services                            |  |   |
| *Screening instrument                         | No time limit  |   |
| Other screening services                      | 15 min.  | 2 hours 6 hours                                 |
| Service facilitation                          | 15 min.  | 4 hours 28 hours                                |
| Social history                                | 15 min.  | 2 hours 4 hours                                 |
| Speech therapy                                |  |   |
| *Provision of services                        | 15 min.  |   |
| *Evaluation                                   | No time limit  |   |
| *Transportation                               | Least expensive means adequate to meet<br>the needs of the individual. |   |

\* These amounts are guidelines. A child and family may exceed these amounts if additional time is determined to be necessary per the IFSP process.

\* These services shall be billed directly to DPA for Medicaid-eligible individuals.

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- 1) Heading of the Part: Dental Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1220
- 3) Section Numbers:  

|          |             |
|----------|-------------|
| 1220.160 | Amendment   |
| 1220.170 | New Section |
| 1220.260 | Amendment   |
| 1220.270 | New Section |
| 1220.360 | New Section |
| 1220.435 | Repealed    |
| 1220.440 | New Section |
| 1220.525 | New Section |
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, pars. 2305, 2316 and 2316.1.
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements P.A. 87-804, Section 1, which became effective July 1, 1992, and sets forth continuing education (CE) requirements for dentists and dental hygienists.  
  
Starting with the September 30, 1994, license renewal, dentists will be required to complete 32 hours of continuing education and dental hygienists 24 hours during each 24 month prerenewal period.  
  
The proposed rulemaking gives criteria for approved continuing education courses and sponsors, establishes application procedures and describes circumstances under which a waiver of CE requirements may be granted.  
  
Restoration Sections were amended and renewal Sections were added for dentists, dental hygienists and dental specialists to incorporate the new continuing education requirements.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.



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- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0800

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: October 6, 1992.
- B) Types of small businesses affected: Those providing dental services and those providing continuing education for dentists and dental hygienists.
- C) Reporting, bookkeeping or other procedures required for compliance: When renewing or restoring a license, dentists and dental hygienists shall be required to provide proof of meeting continuing education requirements set forth in Section 16.1 of the Illinois Dental Practice Act.
- Entities seeking approval as CE sponsors must file an application with the Department of Professional Regulation, along with a \$500 processing fee. To maintain approval, each CE sponsor will be required to provide a list of courses and programs offered within the last 24 months and pay a \$250 fee to renew sponsorship for two years.
- If a dentist or dental hygienist applicant will be earning or has earned CE hours in another jurisdiction, but is not licensed in that jurisdiction and the course is not presented by an Illinois approved sponsor, the applicant shall submit an individual program approval request form, along with a \$20 processing fee, to have the program reviewed.
- D) Types of professional skills necessary for compliance: Dental or dental hygienist skills are required for licensure.

The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1220  
ILLINOIS DENTAL PRACTICE ACT

SUBPART A: DENTIST

| Section  |   |
|----------|---|
| 1220.110 | Application for Examination                                 |
| 1220.120 | Clinical Examinations                                       |
| 1220.130 | System of Retaking the Clinical Sections of the Examination |
| 1220.140 | Minimum Standards for an Approved Curriculum in Dentistry   |
| 1220.150 | Licensure (Repealed)  |
| 1220.160 | Restoration   |
| 1220.170 | Renewal   |

SUBPART B: DENTAL HYGIENIST

| Section  |   |
|----------|---|
| 1220.210 | Applications                                |
| 1220.220 | Clinical Examination                        |
| 1220.230 | System of Grading                           |
| 1220.231 | System of Retaking the Clinical Examination |
| 1220.240 | Permitted Duties of Dental Auxiliaries      |
| 1220.250 | Approved Programs of Dental Hygiene         |
| 1220.260 | Restoration                                 |
| 1220.270 | Renewal                                     |

SUBPART C: DENTAL SPECIALIST

| Section  |                              |
|----------|------------------------------|
| 1220.310 | Applications                 |
| 1220.320 | Examination                  |
| 1220.330 | System of Grading            |
| 1220.335 | American Board Diplomates    |
| 1220.340 | Specialty Listing (Repealed) |
| 1220.350 | Restoration                  |
| 1220.360 | Renewal                      |

SUBPART D: GENERAL

| Section  |                                    |
|----------|------------------------------------|
| 1220.400 | Reportable Diseases and Conditions |
| 1220.410 | Endorsement                        |
| 1220.421 | Advertising                        |



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1220.425 Referral Services  
 1220.431 Employment by Corporation (Repealed)  
 1220.435 Renewals (Repealed)  
 1220.440 Continuing Education  
 1220.441 Granting Variances

## SUBPART E: ANESTHESIA PERMITS

Section  
 1220.500 Definitions  
 1220.510 Light Parenteral Conscious Sedation  
 1220.520 General Anesthesia and Deep Parenteral Conscious Sedation  
 1220.525 Renewal  
 1220.530 Anesthesia Review Panel  
 1220.540 Approved Programs in Anesthesiology  
 1220.550 Reporting of Adverse Occurrences  
 1220.560 Restoration of Permits

1220. Appendix A Pre-clinical Restorative Dentistry Sub-section (Repealed)  
 1220. Appendix B Dental Assistant Permitted Procedures  
 1220. Appendix C Dental Hygienist Permitted Procedures

**AUTHORITY:** Implementing The Illinois Dental Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 2301 et seq.) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7)).

**SOURCE:** Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Dental Practice Act, effective August 16, 1967; amended at 3 Ill. Reg. 16, p. 21, effective April 21, 1979; amended at 3 Ill. Reg. 42, p. 266, effective October 3, 1979; codified at 5 Ill. Reg. 11028; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 4174, effective May 24, 1982; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 8952, effective July 15, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 15610, effective August 15, 1984; amended at 10 Ill. Reg. 20725, effective December 1, 1986; transferred from Chapter I, 68 Ill. Adm. Code 220 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1220 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2926; amended at 13 Ill. Reg. 4191, effective March 16, 1989; amended at 13 Ill. Reg. 15043, effective September 11, 1989; amended at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1220.160 Restoration

- a) A licensee seeking restoration of a dental ~~his~~ license after it has expired for less than five (5) years shall have the ~~his~~ license restored by submitting proof of 32

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hours of continuing education in accordance with Section 1220.440 completed within 2 years prior to the restoration application and ~~upon~~ payment of \$10 plus all lapsed renewal fees.

- b) A licensee seeking restoration of a ~~his~~ dental license after it has expired for five (5) years or more shall file an application, on forms supplied by the Department, together with proof of 32 hours of continuing education in accordance with Section 1220.440 completed within 2 years prior to the restoration application and the fees required by Section 21 of the Act. The licensee shall also submit either:

- 1) Certification of lawful active practice in another jurisdiction. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of a ~~his~~ license within 2 years of termination of such service, he/she shall have the ~~his~~ license restored without paying any lapsed renewal or restoration fees.
- c) If the licensee has not maintained an active practice in another jurisdiction for over 5 years, he/she shall be required to take and pass the clinical examination as provided in Section 1220.120(a)(2) or take and pass the NERB examination or its regional equivalency.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
 Section 1220.170 Renewal

- a) Every dental license issued under the Act shall expire on September 30 of each even numbered year. The holder of a license may renew the license during the month preceding the expiration date thereof by paying the fee required in Section 21(a)(5) of the Act and certifying to fulfillment of 32 hours of continuing education pursuant to Section 1220.440.

- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and renewal of one's license.

- c) Practicing or offering to practice on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 23 of the Act.

(Source: Added at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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## Section 1220.260 Restoration

- a) A licensee seeking restoration of a dental hygienist ~~his~~ license after it has expired for less than five (5) years shall have the ~~his~~ license restored by submitting proof of 24 hours of continuing education pursuant to Section 1220.440 within 2 years prior to application for restoration, proof of certification in cardiopulmonary resuscitation or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification and upon payment of \$10 plus all lapsed renewal fees, but not to exceed \$85.
- b) A licensee seeking restoration of a ~~his~~ dental hygienist license after it has expired for five (5) years or more shall file an application, on forms supplied by the Department, together with the fees required by Section 21 of the Act, proof of 24 hours of continuing education pursuant to Section 1220.440 within 2 years prior to application for restoration and proof of certification in cardiopulmonary resuscitation or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification. The licensee shall also submit either:
  - 1) Certification of lawful active practice in another jurisdiction. The ~~Such~~ certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
  - 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of a ~~his~~ license within 2 years of termination of such service, he/she shall have his license restored without paying any lapsed renewal or restoration fees.
  - c) If the licensee has not maintained an active practice in another jurisdiction for over 5 years, he/she shall be required to take and pass the clinical examination as provided in Section 1220.220 or take and pass the NERB examination or its regional equivalency.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## Section 1220.270 Renewal

- a) Every dental hygienist license issued under the Act shall expire on September 30 of each even numbered year. The holder of a license may renew the license during the month preceding the expiration date by:
- 1) certifying on the application to completion of 24 hours of continuing education pursuant to Section 1220.440 of this Part;

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- 2) certifying to current certification in cardiopulmonary resuscitation or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification; and
  - 3) submitting the fee required in Section 21(b)(4) of the Act.
  - b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and renewal of one's license.
  - c) Practicing or offering to practice on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 23 of the Act.
- (Source: Added at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)
- Section 1220.360 Renewal
- a) Every dental specialty license issued under the Act shall expire on September 30 of each even numbered year. The holder of a license may renew the license during the month preceding the expiration date thereof by paying the required fee in Section 21(a)(5) and (b)(4) of the Act.
  - b) No specialty license shall be renewed if the dental license is expired, revoked, suspended or otherwise subject to discipline under Section 23 of the Act.
  - c) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and renewal of one's license.

(Source: Added at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## Section 1220.435 Renewals (Repealed)

- a) ~~Every license and anesthesia permit issued under the Act shall expire on September 30 of each even numbered year. The holder of a license or permit may renew such license or permit during the month preceding the expiration date thereof by paying the required fee in Section 21(a)(5) and (b)(4) of the Act.~~



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b) ~~No anesthesia permit shall be renewed if the dental license of the permit holder is expired, revoked, suspended, or otherwise subject to professional discipline under Section 23 of the Act.~~

c) ~~It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and renewal of one's license.~~

(Source: Repealed at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1220.440 Continuing Education

## a) Continuing Education Hours Requirements

1) Beginning with the September 30, 1994, renewal and every renewal thereafter, each person who applies for renewal of a license as a dentist shall have completed 32 hours of continuing education (CE) relevant to the practice of dentistry during the prerenewal period.

2) Beginning with the September 30, 1994, renewal and every renewal thereafter, each person who applies for renewal of a license as a dental hygienist shall have completed 24 hours of CE relevant to the practice of dental hygiene during the prerenewal period.

3) A prerenewal period is the 24 months preceding September 30 of each even-numbered year.

4) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of a dental or dental hygienist license.

5) Continuing education is not required to renew a dental specialty license. The holder of a dental specialty license is, however, required to complete 32 hours to renew the dental license.

6) Dentists or dental hygienists licensed in Illinois but residing in other states shall comply with the CE requirements set forth in this Section.

7) Continuing education credit for hours used to satisfy the CE requirements of another state may be applied to fulfillment of the CE requirements of the State of Illinois.

## b) Approved Continuing Education/Continuing Education Sponsors

1) All CE courses shall be relevant to the treatment and care of patients and shall be:

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A) Clinical courses in dentistry and dental hygiene; or

B) Nonclinical subjects that relate to the skills necessary to provide dental or dental hygiene services and are supportive of clinical services (i.e., patient management, legal and ethical responsibilities, stress management). Courses not acceptable for the purpose of this definition include, but are not limited to, estate planning, financial planning, investments and personal health.

2) CE credit may be earned for verifiable attendance at or participation in any courses which meet the requirements of subsection (b)(1) above given by one of the following sponsors:

A) American Dental Association and National Dental Association, its constituent and component/branch associations;

B) American Dental Hygienist's Association and National Dental Hygienist's Association, its constituent and component/branch associations;

C) Dental programs approved by the Department as meeting minimum standards for an approved curriculum in dentistry under Section 1220.140 and dental hygiene programs approved under Section 1220.250 of this Part;

D) Organizations of specialties recognized by the American Dental Association and its constituent and component/branch associations, such as:

- i) Oral and Maxillofacial Surgery
- ii) Endodontics
- iii) Pediatric Dentistry
- iv) Prosthodontics
- v) Orthodontics
- vi) Periodontology;

E) Academy of General Dentistry, its constituent and component/branch associations and approved sponsors;

F) American Dental Society of Anesthesiology its constituent and component/branch associations;

G) Community colleges with an approved dental hygiene program if offered under the auspices of the dental hygiene program;

H) A college or university accredited by an agency approved by the U.S. Office of Education;



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- I) A hospital which has been accredited by the Joint Commission on Accreditation of Healthcare Organizations.
  - J) The American Heart Association and the American Cancer Society;
  - K) A medical school which is accredited by the American Medical Association's Liaison Committee for Medical Education;
  - L) Federal government agencies (i.e., military dental division, Veterans' Administration, etc.); or
  - M) A person, firm or association approved by the Department in accordance with subsection (c) below.
- 3) CE credit may be earned for completion of an individual study course (correspondence course) sponsored by an approved sponsor. Such courses shall include a test which the licensee must pass to obtain credit. No more than 50% of the required CE credit hours during a prerenewal period may be acquired through correspondence courses.
  - 4) CE credit may be earned from teleconferencing courses with a moderator present given by an Illinois approved sponsor.
  - 5) CE credit may be earned from courses leading to an advanced degree or specialty in dental or dental hygiene. Such courses shall be allotted CE credit at the rate of 15 CE hours for each semester hour and 10 CE hours for each quarter hour of school credit awarded.
  - 6) CE credit may be earned as an instructor of continuing education courses given by approved sponsors. Credit will be applied for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations). No more than 50% of the required CE credit hours during a prerenewal period may be acquired through teaching continuing education courses.
  - 7) Hours for CPR recertification shall not be counted toward meeting CE requirements for dental hygienists.
  - 8) Continuing education hours required by disciplinary order shall not be used to satisfy the continuing education requirements for license renewal.

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- 9) If a renewal applicant will be earning or has earned CE hours in another jurisdiction, but is not licensed in that jurisdiction and the course is not presented by an Illinois approved sponsor, the applicant shall submit an individual program approval request form, along with a \$20 processing fee, to have the program reviewed. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (b)(1) of this Section. Applicants may seek individual program approval prior to participation in the course or program. All individual program approval requests shall be submitted prior to the expiration date of the license.
- c) Sponsor Application Pursuant to Subsection (b)(2)(L)
  - 1) Entities seeking approval as CE sponsors pursuant to subsection (b)(2)(L) above shall file an application, on forms supplied by the Department, along with a \$500 processing fee. The applicant shall certify on the application the following:
    - A) That all programs offered by the sponsor for CE credit will comply with the criteria in subsection (b)(1) and all other criteria in this Section;
    - B) That the sponsor will be responsible for providing a certificate of attendance and will maintain attendance records for at least 5 years. The certificate of attendance shall contain:
      - i) The name and address of the sponsor;
      - ii) The name, address and license number of the participant;
      - iii) A brief statement of the subject matter;
      - iv) The number of hours attended in each program;
      - v) An indication of whether the program fulfills CE requirements for dentist, dental hygienist or both;
      - vi) The date and place of the program; and
      - vii) The signature of the sponsor.
    - C) That upon request by the Department, the sponsor will submit evidence (e.g., certificate of attendance or course materials) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with this Part and that the information is necessary to ensure compliance.
  - 2) To maintain approval as a sponsor, each sponsor shall submit to the Department by September 30 of each even-numbered year a renewal application, a \$250 fee and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.



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## d) Certification of Compliance With CE Requirements

- 1) Each renewal applicant shall certify, on the renewal application, to full compliance with the CE requirements set forth in subsection (a), above.
- 2) The Department may require additional evidence (e.g., certificate of attendance, transcripts, proof of registration) demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. The evidence shall be retained for at least 5 years following the renewal period in which the CE was taken.
- 3) The Department may conduct random audits to verify compliance with CE requirements.
- 4) When there is evidence of a lack of compliance with CE requirements, an applicant shall be notified in writing and may request a hearing before the Board. The Department may recommend that steps be taken to begin the formal disciplinary proceedings as required by Section 16 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1016).

## f) e) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of the license or certificate without having fully complied with these CE requirements shall file with the Department a renewal application, a statement setting forth the facts concerning such noncompliance, a request for waiver of the CE requirements on the basis of such facts and, if desired, a request for an interview before the Board. If the Department finds from such statement or any other evidence submitted, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.
- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
  - A) Full-time service in the armed forces of the United States of America during a substantial part of such period;
  - B) An incapacitating illness documented by a licensed physician; or
  - C) Undue hardship;

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- D) Being retired from practice and not performing any dental or dental hygiene services; or
- E) Being disabled and unable to practice dentistry or dental hygiene.
- 3) If an interview is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.

(Source: Added at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## Section 1220.525 Renewal

- a) Every anesthesia permit issued under the Act shall expire on September 30 of each even numbered year. The holder of a permit may renew such license or permit during the month preceding the expiration date thereof by paying the required fee in Section 21(a)(5) and (b)(4) of the Act.
- b) No anesthesia permit shall be renewed if the dental license of the permit holder is expired, revoked, suspended, or otherwise subject to discipline under Section 23 of the Act.
- c) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and renewal of one's license.

(Source: Added at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)



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1) Heading of the Part: Private Detective, Private Alarm and Private Security Act of 1983

2) Code Citation: 68 Ill. Adm. Code 1240

3) Section Numbers:

1240.5 Repealed  
1240.10 Amendment  
1240.15 Amendment  
1240.50 Amendment  
1240.51 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, pars. 2659, 2664, 2668 and 2670.

5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements Section 14(c)(12) of the Act, which authorizes the Department to conduct an examination for persons seeking licensure as private alarm contractors, and Section 20, which provides for 3-year licenses, employee registration cards and certificates of registration for agencies.

Section 1240.5 is repealed because the grandfather period for licensure under Section 6 of the Act has expired.

Section 1240.10 is amended to allow applicants for private detective and private security contractor licenses to submit verification of being peace officers in lieu of submitting fingerprint cards.

Section 1240.15 details procedures for individuals seeking licensure by examination as private alarm contractors. It defines "equivalent experience" for applicants seeking to qualify to sit for the examination under provisions of Section 14(c)(11)(C) of the Act. A passing score of 70 is established for the examination.

Section 1240.50, pertaining to renewals, increases from 2 years to 3 years the renewal periods for employee registration cards and certificates of registration for agencies and branch offices. Triennial renewal of individual licenses already is provided for in the Rules.

Various grammar and style changes also were made.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

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8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0800

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: October 6, 1992

B) Types of small businesses affected: Detective, private alarm contractor and private security contractor agencies.

C) Reporting, bookkeeping or other procedures required for compliance: Any individual seeking licensure by examination as a private alarm contractor shall make application to the Department, on forms provided by the Department, at least 60 days prior to the examination. Upon notification of successful completion of the examination, the applicant may apply to the Department for licensure.

D) Types of professional skills necessary for compliance: Skills gained in working with alarm systems are necessary for licensure as a private alarm contractor.

The full text of the Proposed Amendments begins on the next page:



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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1240  
PRIVATE DETECTIVE, PRIVATE ALARM AND  
PRIVATE SECURITY ACT OF 1983

Section  
1240.5  
1240.7  
1240.10  
  
1240.15  
1240.16  
1240.20  
1240.25  
1240.30  
1240.35  
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1240.41  
1240.45  
1240.46  
1240.48  
1240.50  
1240.51  
1240.55  
1240.60  
1240.65  
1240.70

Licensure Under Section 6 of the Act (Repealed)  
Exemptions Under Section 5 of the Act  
Application for Examination and Licensure - Private Detective and  
Private Security Contractor  
Application for Examination and Licensure - Private Alarm Contractor  
Registration of Proprietary Security Force  
20-Hour Basic Training Course - General  
20-Hour Basic Training Course - Security Guards and Alarm Runners  
Firearm Training Course  
Approval of Training Programs and Instructors  
Permanent Employee Registration Cards  
Refusal to Issue Employee Registration Card  
Firearm Authorization Cards  
Recordkeeping Requirements - Employee Files  
Uniforms  
Renewals  
Requests for Duplicate Certificates  
Endorsement  
Restoration  
Conduct of Hearings  
Granting Variances

AUTHORITY: Implementing the Private Detective, Private Alarm and Private Security Act of 1983 (Ill. Rev. Stat. 1991 4987, ch. 111, par. 2651 et seq.) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991 4987, ch. 127, par. 60(7)).

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Detective Act, effective October 7, 1975; amended at 4 Ill. Reg. 22, p. 251, effective May 15, 1980; codified at 5 Ill. Reg. 11032; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 8208, effective July 15, 1982; emergency amendment at 8 Ill. Reg. 903, effective January 6, 1984, for a maximum of

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150 days; Part repealed and new Part adopted at 9 Ill. Reg. 18512, effective November 15, 1985; transferred from Chapter I, 68 Ill. Adm. Code 240 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1240 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2967; amended at 12 Ill. Reg. 20143, effective November 18, 1988; amended at 15 Ill. Reg. 3051, effective February 11, 1991; amended at \_\_\_ Ill. Reg. \_\_\_ effective

## Section 1240.5 Licensure Under Section 6 of the Act (Repealed)

- a) For an individual whose certificate of registration as a private detective was in nonrenewed status on the effective date of the Private Detective Private Alarm and Private Security Act (the "Act") (Ill. Rev. Stat. 1987, ch. 111, par. 2651 et seq.):
- 1) To be eligible to receive a license under the "grandfather" provisions of Section 6 of the Act, an applicant must first reinstate his certificate of registration (certificate) as a Private Detective to active status. An applicant shall have 5 years from the expiration date specified on his certificate(s) to do so.
- 2) Precluding any circumstances which could prevent such reinstatement upon completion of a reinstatement application and upon payment of the required fees, (\$50.00 reinstatement fee plus all lapsed renewal fees), the Department of Professional Regulation (the Department) will change the status of the applicant's certificate(s) on Departmental records.
- 3) After reinstatement of the certificate(s), the applicant shall submit the following to the Department:
- A) a completed application for licensure under Section 6 of the Act;
- B) proof of liability insurance as evidenced by a certificate of insurance from the insurer;
- C) 1 set of fingerprint cards issued by the Illinois Department of State Police and 1 set of fingerprint cards issued by the Federal Bureau of Investigation accompanied by the processing fee pursuant to Section 20c(12) of the Act; and
- D) the required fees for the issuance of original licenses as specified in Section 20 of the Act.
- 4) A license will not be issued until the fingerprints have been processed pursuant to provisions set forth in Section 15(d) of the Act.



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- b) Upon receipt of the above, the applicant will be granted the specified license(s).
- b) For an individual whose certificate of registration as a private detective was active and in good standing on the effective date of the Act, but who failed to apply for licensure under Section 6 of the Act by April 16, 1984:
- 1) To be eligible for licensure under the "grandfather" provisions of Section 6 after April 16, 1984, an applicant must first reinstate his certificate of registration as a private detective to active status. An applicant shall have until April 16, 1989, to do so.
- 2) Precluding any circumstances which would prevent such reinstatement, upon completion of a reinstatement application and upon payment of the required fees (\$50.00 plus all lapsed renewal fees), the Department will change the status of the applicant's certificate(s) on Departmental records.
- 2) After reinstatement of the certificate the applicant shall submit the following to the Department:
- A) a completed application for licensure under Section 6 of the Act;
- B) proof of liability insurance as evidenced by a certificate of insurance from the insurer;
- C) 1 set of fingerprint cards issued by the Illinois Department of State Police and 1 set of fingerprint cards issued by the Federal Bureau of Investigation accompanied by the processing fee pursuant to Section 20(c)(12) of the Act; and
- D) the required fees for the issuance of original license(s) as specified in Section 20 of the Act.
- 4) A license will not be issued until the fingerprints have been processed pursuant to provisions set forth in Section 15(d) of the Act.
- 5) Upon receipt of the above, the applicant will be granted the specified license(s) without meeting further requirements.

(Source: Repealed at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1240.10 Application for Examination and Licensure - Private Detective and Private Security Contractor

- a) Applications for licensure by examination, together with all supporting documentation, must be on file at least 60 days prior to the date of the examination.

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- b) No candidate shall be admitted to the examination until he has fulfilled the experience and/or education requirements specified in the Act. To determine such fulfillment, the following standards shall be applied:
- 1) The term "year" shall be 12 average work months during which the applicant was engaged in full-time employment.
- 2) The work schedule of the employing agency or organization will be accepted as meeting the "full-time" employment requirement, provided it is equal to 1800 hours annually or more.
- 3) "Full-time supervisor in a law enforcement agency" shall mean any rank above patrolman.
- c) The passing grade on the examination is 70.
- d) Upon notification of successful completion of the examination, the applicant may apply to the Department for licensure. The application must be complete and must be accompanied by:
- 1) 1 set of fingerprints cards issued by the Illinois Department of State Police and 1 set of fingerprint cards issued by the Federal Bureau of Investigation accompanied by the specified processing fee pursuant to Section 20(c)(123) of the Act;
- 2) In lieu of the fingerprint cards, a full-time peace officer may submit verification on forms provided by the Department of full-time employment as a peace officer. Such verification shall be signed by the employer. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers.
- 2) 2 photographs 1 1/2" x 1 1/2", taken within the 3 months preceding application;
- 2) Proof of liability insurance as evidenced by a certificate of insurance from the insurer; and
- 4) The required fee(s) specified in Section 20 of the Act.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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## Section 1240.15 Application for Examination and Licensure - Private Alarm Contractor

- a) An individual seeking licensure by examination as a private alarm contractor shall make application to the Department, on forms provided by the Department, at least 60 days prior to the examination. ~~and shall also submit the following:~~
  - 1) ~~proof of liability insurance as evidenced by a Certificate of Insurance from the insurer;~~
  - 2) ~~2 photographs 1 1/2" x 1 1/2", taken within the 3 months preceding application;~~
  - 3) ~~1 set of fingerprint cards issued by the Illinois Department of State Police and 1 set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 20(c)(12) of the Act; and~~
  - 4) ~~the required fee(s) specified in Section 20 of the Act.~~
- b) The application ~~An individual seeking licensure as a private alarm contractor after January 1, 1986,~~ shall include ~~submit~~ proof acceptable to the Department that the applicant has fulfilled the required experience specified in Section 14(c) of the Act. To determine such fulfillment, the following standards shall be applied:
  - 1) The term "year" shall be 12 ~~twelve-average-work~~ months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment.
  - 2) The work schedule of the employing agency will be accepted as meeting the "full-time" employment requirement provided it is equal to 1800 hours annually or more.
  - 3) Applicants qualified to sit for the examination pursuant to Section 14(c)(1)(C) of the Act shall have private alarm experience which shall include, but not be limited to:
    - A) Private alarm experience gained while licensed in another jurisdiction with substantial equivalent licensure requirements for 3 of the last 5 years; or
    - B) Experience gained as a full-time supervisor, manager or administrator of an alarm business for 3 of the last 5 years.

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## e) The passing score on the examination is 70.

~~d) Upon notification of successful completion of the examination, the applicant may apply to the Department for licensure. The application shall include:~~

- 1) 1 set of fingerprint cards issued by the Illinois Department of State Police and 1 set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 20(c)(12) of the Act;
- 2) 2 photographs 1 1/2" x 1 1/2" taken within the 3 months preceding application;
- 3) Proof of liability insurance as evidenced by a certificate of insurance from the insurer; and
- 4) The required fee(s) specified in Section 20 of the Act.

(Source: Amended at Ill. Reg. \_\_\_\_\_ effective \_\_\_\_\_)

## Section 1240.50 Renewals

- a) Beginning with the May 1990 renewal, every individual license issued under the Act shall expire on May 31 every three years. The holder of a license may renew such license during the month preceding the expiration date ~~thereof~~ by paying the required fee set forth in Section 20 of the Act, providing proof of liability insurance as evidenced by a certificate of insurance from the insurer, and, if applicable, by complying with the provisions of Section 6 of the Act as it pertains to firearm training.
- b) Beginning with the May 1990 renewal, Every certificate of registration for an agency and every branch office certificate issued under the Act shall expire on August 31 every three years ~~of each even-numbered year~~. The holder of a certificate of registration may renew such certificate during the month preceding the expiration date thereof by paying the required fee.
- c) ~~Every application for renewal of an agency certificate of registration shall be accompanied by a complete roster of current employees of that agency. The roster shall be submitted and shall include each employee's name, home address, social security number, permanent employee registration number, basic training number and firearm authorization card number, if applicable.~~



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- e) c Beginning with the May 1991 renewal, Every employee registration card issued under the Act shall expire on May 31 every three years, ~~the date specified on the face of the card.~~ The holder of the card may renew such card during the month preceding the expiration date by submitting the required fee to the Department.
- d) It is the responsibility of each licensee and employee registration card holder ~~registerant~~ to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew one's license or employee registration card or to pay the renewal fee ~~or to renew one's license.~~ Practicing on an expired license or employee registration card is unlicensed practice and subject to discipline under Section 19-24 of the Act.
- f) e Every firearm authorization card shall expire on the date specified on the face of the card. The card shall be renewed upon proof that:
- 1) The employee has been requalified on the firing range within one year preceding the renewal date; and
  - 2) The employee continues to be employed by the agency to which the card was issued.
- g) f No employer shall, after the expiration of a firearm authorization card, employ the holder thereof in an armed capacity.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## Section 1240.51 Requests for Duplicate Certificates

- a) Requests for duplicate certificates to replace ones ~~which~~ that ~~has~~ have been lost, stolen or destroyed shall be made in writing to the Department, and shall be made by the individuals to whom the certificates ~~was~~ were issued.
- b) Any person requesting a duplicate firearm authorization card ~~certificat~~ shall first file a report with the local police authority which specifies the circumstances under which the firearm authorization card ~~certificat~~ was lost, stolen or destroyed.
- c) Requests for a duplicate firearm authorization card ~~certificat~~ shall be accompanied by an affidavit, from the person making the request, which specifies the date and with what police authority the above-mentioned police report was filed, and which summarizes the circumstances under which the firearm authorization card ~~certificat~~ was lost, stolen or destroyed. The required fee, as required by Section 20 of the Act, shall also accompany the request.

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- d) For purposes of this Section, the word ~~work~~ "certificates" shall mean and include the following:
- 1) Individual licenses (Private Detective, Private Security Contractor and Private Alarm Contractor)
  - 2) Certificates of Registration for an agency
  - 3) Licensee Pocket Cards
  - 4) Permanent Employee Registration Cards
  - 5) Certification of Completion of Firearm Training
  - 6) Firearm Authorization Card

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)



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1) Heading of the Part: Real Estate Appraiser Certification

2) Code Citation: 68 Ill. Adm. Code 1455

3) Section Numbers: Proposed Action:

1455.10 New Section  
1455.15 New Section  
1455.20 New Section  
1455.30 New Section  
1455.40 New Section  
1455.50 New Section  
1455.60 New Section  
1455.70 New Section  
1455.200 New Section  
1455.210 New Section  
1455.300 New Section  
1455.310 New Section

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, par. 5836.5.

5) A Complete Description of the Subjects and Issues Involved:

This rulemaking sets education and experience requirements and establishes application procedures for a State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser and Certified General Real Estate Appraiser.

Section 1455.15 incorporates by reference the Uniform Standards of Professional Appraisal Practice (USAP).

Sections 1455.60 and 1455.70 give circumstances under which nonresidents of Illinois can obtain licensure or certification in this State or be issued a temporary appraisal practice permit.

Other Sections detail procedures for renewing a license or certificate and list circumstances under which the Director of the Department of Professional Regulation may grant variances from these rules.

6) Will these proposed amendments replace an emergency Rule currently in effect?  
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes, Section 1455.15 Uniform Standards of Professional Appraisal Practice. Type 6.02(a).

9) Are there any other proposed Rules pending on this Part? No

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

10) Statement of Statewide Policy Objectives (if applicable):

This rulemaking has no impact on local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0800

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: September 29, 1992.

B) Types of small businesses affected: Real Estate Appraisers.

C) Reporting, bookkeeping or other procedures required for compliance:

Those seeking licensure/certification as appraisers must file an application with the Department of Professional Regulation. Licenses/certificates may be renewed every two years.

All courses offered by an approved education provider must be submitted to the Department for reevaluation every three years.

D) Types of professional skills necessary for compliance:

Real Estate Appraisal experience and education are required for licensure/certification.

The full text of the Proposed rules begins on the next page:



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1455

## REAL ESTATE APPRAISER CERTIFICATION

## SUBPART A: RESIDENTIAL AND GENERAL CERTIFICATION

## Section

- 1455.10 Definitions
- 1455.15 Uniform Standards of Professional Appraisal Practice
- 1455.20 Education and Experience Requirements for State Licensed Real Estate Appraiser
- 1455.30 Education and Experience Requirements for Certified Residential and Certified General Real Estate Appraiser
- 1455.40 Application as a State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser or Certified General Real Estate Appraiser
- 1455.50 Examination
- 1455.60 Nonresident Licensure/Certification
- 1455.70 Nonresident/Temporary Practice

## SUBPART B: EDUCATION PROVIDERS

- 1455.200 Approval of Education Providers
- 1455.210 Fees - Education Providers

## SUBPART C: GENERAL

- 1455.300 Renewals
- 1455.310 Granting Variances

**AUTHORITY:** Implementing Article 2 of the Real Estate License Act of 1983 (Ill. Rev. Stat. 1991, ch. 111, par. 5836.01 et seq., as amended by Public Act 87-1193, effective September 24, 1992) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7)).

**SOURCE:** Adopted at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: CERTIFICATION

## Section 1455.10 Definitions

"Act" means the Real Estate License Act of 1983 (Ill. Rev. Stat. 1991, ch. 111, par. 5801 et seq.).

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"Appraisal" or "real estate appraisal" means an analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate, for or in expectation of compensation. An appraisal may be classified by purpose into either a valuation or an analysis. A "valuation" is an estimate of the value of real estate or real property. An "analysis" is a study of real estate or real property other than estimating value.

"Appraisal Administrator" or "Administrator" means the person appointed by the Director, in accordance with Section 36.2a of Article 2 of the Real Estate License Act of 1983, to administer the Illinois appraisal program.

"Appraisal Consulting" is the act or process of providing information, analysis of real estate data and recommendations or conclusions on diversified problems in real estate, other than estimating value.

"Appraisal Qualification Board" is a committee of the Appraisal Foundation established by Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989.

"Appraisal Report" means any written communication of an appraisal.

"Appraisal Standard Board" is a committee of the Appraisal Foundation established by Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989.

"Appraisal Subcommittee" means the federal Appraisal Subcommittee established by Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. Chapter 34A).

"Appraiser" or "real estate appraiser" means any person who inspects, analyzes, or renders an opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate, for or in expectation of compensation.

"Certified General Real Estate Appraiser" means a real estate appraiser who holds a current, valid Certified General real estate appraiser's certificate issued under Article 2 of the Act.

"Certified Residential Real Estate Appraiser" means a real estate appraiser who holds a current, valid Certified Residential real estate appraiser's certificate issued under Article 2 of the Act.



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"Committee" means the Real Estate Appraisal Committee established in Section 36.3 of the Act.

"Department" means the Department of Professional Regulation.

"Director" means the Director of the Department of Professional Regulation.

"Federally Related Transaction" means any real estate related financial transaction that:

a federal financial institution's regulatory agency or the Resolution Trust Corporation engages in, contracts for, or regulates and requires the services of an appraiser; or

any other real estate related financial transaction for which a licensed or certified real estate appraiser is required under federal law or regulations.

"Federal Financial Institutions Regulatory Agencies (FFIRA)" means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision and the National Credit Union Administration.

"Mass Appraisals" is defined as the process of valuing a universe of properties as of a given date, utilizing standard methodology, employing common data and allowing for statistical testing.

"Real Estate" means an identified parcel or tract of land, including improvements, if any.

"Real Estate Related Financial Transaction" means any transaction involving:

the sale, lease, purchase, investment in or exchange of real property, or the financing thereof;

the refinancing of real property or interests in real property; or

the use of real property or interests in property as security for a loan or investment, including mortgage-backed securities.

"Real Property" means one or more defined interests, benefits and rights inherent in the ownership of real estate.

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"State Licensed Real Estate Appraiser" means a real estate appraiser who holds a current, valid real estate appraiser's license issued under Article 2 of the Act.

"USPAP" means the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of the Appraisal Foundation.

## Section 1455.15 Uniform Standards of Professional Appraisal Practice

a) The Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of the Appraisal Foundation, 1029 Vermont Avenue, N.W., Suite 900, Washington, D.C. 20005, 1992, are hereby incorporated by reference.

b) Real Estate Appraisers licensed/certified under the Act shall practice in accordance with USPAP standards.

c) A copy of this publication is available at cost from the Real Estate Appraisal Administrator's office, Department of Professional Regulation, located at 320 West Washington, Springfield, Illinois 62786.

## Section 1455.20 Education and Experience Requirements for State Licensed Real Estate Appraiser

a) Education. A total of 75 hours of real estate appraisal courses are required for examination and licensure as a State Licensed Real Estate Appraiser. The 75 hours shall be in courses recommended by the Committee and approved by the Director. Specific hour requirements are mandatory in each of 3 curricula.

1) Courses approved will be assigned to an IL curriculum and classroom hours must be achieved as follows:

- A) Standards of Professional Appraisal Practice--15 hours (IL I).
- B) Basic Principles of Appraisal--30 hours (IL II).
- C) Residential Valuation Procedures/Single Family Appraisal--30 hours (IL III).

2) Courses completed prior to January 1, 1993.

A) Courses completed prior to January 1, 1993, shall be accepted by the Department, upon review and approval of the Committee, if they are substantially equivalent to the courses in Section 1455.200(b). In determining substantial equivalence, the Committee shall compare the content of each course submitted to the topic requirements as set forth in Section 1455.200(b).



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- B) The Director shall approve real estate appraisal courses, upon recommendation by the Committee, with or without a final examination and whether or not the provider was approved by the Department.
- C) Education credit may be earned by an applicant who successfully completes the examination(s) for approved course(s) even though the applicant did not participate in the classroom portion of the instruction.
- 3) All courses completed after January 1, 1993, shall be from course providers approved by the Department in accordance with Section 1455.200. Credit will be earned only after course attendance and successful completion of a final examination.
- 4) Education credit may be earned by teaching courses approved by the Department. To obtain education credit for teaching, the applicant shall provide verification from the education provider of the time period of employment and the course name.
- A) One hour of education credit for every one hour of classroom instruction shall be awarded.
- B) Education credit for teaching shall be awarded for only one presentation from each curriculum IL I, IL II, IL III, IL IV and IL V; however, credit will be given for presentation of two 15 hour courses in curriculum IL II, IL III, IL IV and IL V. (Credit shall not be allowed for repetitious presentations).
- C) Education credit for teaching shall be awarded for one presentation of each different course in IL E curriculum.
- b) Experience. Experience credit is not required for an applicant to sit for examination or for licensure; but, 500 hours of appraisal experience credit is required for the first renewal of a license following an original issue date of 24 months, or longer.
- 1) Documentation of the 500 hours of experience shall be submitted on forms provided by the Department. To expedite processing, the documentation may be submitted with the original application for licensure or as soon as the experience requirement is met; otherwise, it shall be submitted with the renewal application.
- 2) The 500 hours of experience may be awarded for experience conforming to Section 1455.30(b)(3) through (6).
- 3) Mass appraisal experience may be submitted in accordance with Section 1455.40(a)(2)(B).

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- 4) The 500-hour experience requirement may be waived by the Director, upon recommendation of the Committee, in accordance with Section 36.11(e)(2) of the Act.

### Section 1455.30 Education and Experience Requirements for Certified Residential and Certified General Real Estate Appraiser

An applicant for certification as a Certified Residential or Certified General Real Estate Appraiser shall meet the following education and experience requirements:

- a) Education. A total of 105 hours for Certified Residential Real Estate Appraiser and 165 hours for Certified General Real Estate Appraiser are required. The courses must be real estate appraisal courses recommended by the Committee and approved by the Department. For Certified Residential, a specific hour requirement is mandatory in each of 4 curricula. For Certified General, a specific hour requirement is mandatory in each of 5 curricula.
- 1) Courses approved for Certified Residential Appraiser will be assigned to an IL curriculum as set forth in Section 1455.200(b), and classroom hours must be achieved as follows:
- A) Standards of Professional Appraisal Practice--15 hours (IL I).
  - B) Basic Principles of Appraisal--30 hours (IL II).
  - C) Valuation Procedures for Residential Property--30 hours (IL III).
  - D) Elective Courses--30 hours (IL E).
- i) Hours in excess of the requirement, for courses approved in curricula IL II and IL III, will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.
  - ii) Coursework in the IL IV and IL V curricula will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.
- 2) Courses approved for Certified General Appraiser will be assigned to an IL curriculum as set forth in Section 1455.200(b), and classroom hours must be achieved as follows:
- A) Standards of Professional Practice--15 hours (IL I).



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- B) Basic Principles of Appraisal--30 hours (IL II).
- C) Valuation Procedures for Non-Residential Property--30 hours (IL IV).
- D) Income Approach, Capitalization--30 hours (IL V).
- E) Elective Courses--60 hours (IL E). (Hours in excess of the requirement, for courses approved in curricula IL II, IL III, IL IV and IL V, will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.)

## 3) Courses completed prior to January 1, 1993.

- A) Courses shall be accepted by the Department, upon review and approval of the Committee prior to January 1, 1993, if they are substantially equivalent to the curricula in Section 1455.200. In determining substantial equivalence, the Committee shall compare the content of each course submitted to the topic requirements as set forth in Section 1455.200.
- B) The Director shall approve real estate appraisal courses, upon recommendation by the Committee, with or without a final examination and whether or not the provider was approved by the Department.

- C) Education credit may be earned by an applicant who successfully completes the examination(s) for approved course(s) set forth in subsection (a) above even though the applicant did not participate in the classroom portion of the instruction.

- 4) All courses completed after January 1, 1993, shall be from courses and course providers approved by the Department in accordance with Section 1455.200. Credit will be earned only after course attendance and successful completion of an examination.

- 5) Education credit may be earned by teaching courses approved by the Department. To obtain education credit for teaching, the applicant shall provide verification from the education provider of the time period of employment and the course name.

- A) One hour of education credit for every one hour of classroom instruction shall be awarded.

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- B) Education credit for teaching shall be awarded for only one presentation from each curriculum IL I, IL II, IL III, IL IV and IL V; however, credit will be given for presentation of two 15 hour courses in curriculum IL II, IL III, IL IV and IL V. (Credit shall not be allowed for repetitious presentations).

- C) Education credit for teaching shall be awarded for one presentation of each different course in IL E curriculum.

- b) Experience. Two years of appraisal experience is required for an applicant to be eligible to sit for the examination. Experience shall be earned in the following manner:

- 1) One year is defined as 1,000 hours and 12 months (2 years equal 2,000 hours and 24 months). A maximum of 1,000 hours of credit may be earned by the applicant in any calendar year; however, a minimum of 24 months of experience is required.

- 2) The 2,000 hour experience requirement may be awarded from approved experience which shall include fee appraisal, staff appraisal, mass appraisal, ad valorem tax appraisal, mass ad valorem appraisal, review appraisal or appraisal analysis, highest and best use analysis, feasibility analysis or study, real estate sales and brokerage, real estate counseling, real property management, teaching of Department approved appraisal courses and authorship pertaining to real estate appraisal or related subjects.

- 3) For Certified Residential, a minimum of 50% of the requirement must be experience relating to residential property. For Certified General, a minimum of 50% of the requirement must be experience relating to nonresidential property. Hours shall be awarded for various types of appraisal and other experience as follows:

- A) 20 hours for apartment property with 5-24 units.

- B) 40 hours for apartment property with more than 24 units.

- C) 20 hours for vacant land zoned for business, commercial, industrial; planned unit development, multiple family, single family which will accommodate more than one unit; and agriculture.

- D) 20 hours for industrial property with buildings up to and including 25,000 square feet.

- E) 40 hours for industrial property with buildings over 25,000 square feet



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- F) 20 hours for office space up to and including 10,000 square feet.
- G) 40 hours for office space over 10,000 square feet.
- H) 20 hours for retail space up to and including 10,000 square feet.
- I) 40 hours for retail space over 10,000 square feet.
- J) 40 hours for specialized or special use property appraisals.
- K) 40 hours for operating or specialized agriculture property.
- L) 10 hours for single family residential property.
- M) 15 hours for 2, 3 and 4 unit residential property.
- N) 5 hours for vacant residential land.
- O) Additional hours may be credited for appraisals. Experience hours listed in A through N are considered typical. If an applicant feels more hours should be awarded for an appraisal, he/she must list the hours requested and attach a written justification to the appraisal log. The Department will consider the additional hours based upon the applicant justification statement and may request a photocopy of the appraisal(s) to assist in the decision. Experience credit will be awarded on time spent in the development of the appraisal and preparation of the report. Travel time will not be considered.
- P) Teaching Experience. Credit for teaching of Department approved appraisal courses shall not exceed 400 hours.
  - i) To obtain credit for teaching experience, the applicant shall provide verification from the education provider of the time period of such employment and the course name;
  - ii) Two hours of experience credit for every hour in the classroom shall be awarded (up to 400 hours) upon approval of the experience by the Committee.
  - iii) Education credit for teaching shall be awarded for only one presentation from each curriculum IL I, IL II, IL III, IL IV and IL V; however, credit will be given for presentation of two 15 hour courses in curriculum IL II, IL III, IL IV and IL V. (Credit shall not be allowed for repetitious presentations).

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- iv) Education credit for teaching shall be awarded for one presentation of each different course in IL E curriculum.
- v) An applicant may not earn both education and experience credit for teaching the same course.
- Q) Authorship. Credit for authorship of appraisal or appraisal related material shall not exceed 200 hours. The applicant shall submit to the Department at the time of application, a copy of the article, textbook or other published material and a statement indicating the amount of time spent in preparing these materials. The Department will evaluate the material and may award experience credit based upon its judgment as to the contribution of skill or knowledge to the applicant or appraisal industry.
- R) Real Estate Sales and Brokerage experience shall be accepted if the experience is directly related to performing or reviewing appraisals, in accordance with Section 1455.30(b)(3) through (6) and Section 1455.40(a)(2).
- S) Real Estate Counseling experience shall be accepted if it meets USPAP Standards 4 and 5. The experience will be awarded in accordance with Section 1455.30(b)(3) through (6) and Section 1455.40(a)(2).
- T) Real Property Management experience shall be accepted if the experience is directly related to performing or reviewing appraisals, in accordance with Section 1455.30(b)(3) through (6) and Section 1455.40(a)(2).
- U) Experience for mass appraisal, ad valorem tax appraisal and mass ad valorem appraisal shall be documented by the applicant's affidavit detailing the experience credit being requested; shall be certified by the assessment official in accordance with Section 36.11(b), Article 2, of the Act; and reported to the Department in accordance with Section 1455.40(a)(2)(B).
- 4) Field and review appraisals conducted prior to January 1, 1992, shall:
  - A) Identify and describe the real estate being appraised;
  - B) Contain an indication of highest and best use (analysis);
  - C) Identify the real property interests being appraised;
  - D) Contain a definition of the value being estimated;



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E) Set forth the effective date of the value estimate and the date of the appraisal report;

F) Set forth all assumptions and limiting conditions that affect the analyses, opinions and conclusions.

G) Set forth (in the report or file memorandum) the appraisal procedures followed and the reasoning that supports the analysis, opinions and conclusions.

H) Include the signature of the individual responsible for the analysis, opinions and conclusions contained in the report. The applicant seeking experience credit shall have signed the report or shall be listed in the report as an individual who provided a significant contribution. An affidavit of significant contribution shall be considered by the Department if it is signed by the appraiser who signed the report or by an official of the organization, government, firm or other entity who was responsible for causing the appraisal to be prepared.

5) Mass appraisal projects completed prior to January 1, 1992, shall have been performed by application of mass appraisal methods and techniques deemed professionally appropriate at the time the project was undertaken. In evaluating the mass appraisal experience, the Department will consider methods and techniques employed relative to Standard 6 of USPAP and the participation in the mass appraisal project by the applicant.

6) Appraisals of all types prepared after January 1, 1992, must conform to the standards set forth in the Uniform Standards of Professional Appraisal Practice (USPAP) that were in effect on the date the appraisal was signed.

Section 1455.40 Application for State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser or Certified General Real Estate Appraiser

a) An applicant for examination/licensure/certification as a State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser or Certified General Real Estate Appraiser shall file an application with the Department on forms provided by the Department. The application shall remain valid for one year from the date of submission. The application shall include but not be limited to the following:

1) Verification of education (i.e., transcripts, certificates of course completion, official records from provider) as set forth in Section 1455.20 for State Licensed Appraiser and 1455.30 for Certified Residential Appraiser and Certified General Appraiser.

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2) Verification of experience. All experience for the Certified Residential and Certified General Real Estate Appraisers shall meet the requirements set forth in Section 1455.30.

A) In accordance with Section 5836.11 of the Act, the applicant shall submit an appraisal log which shall include a general location (e.g., street, subdivision, office file number or parcel number) of the property; city and state location; date of the appraisal report; property type; approximate size of the property land and buildings; the tally of the hours being requested by the applicant; and a certifying statement that the applicant has personally inspected the property or his/her name appears in the appraisal report as having made a significant contribution to the report.

B) An applicant seeking mass appraisal experience shall include with the application his/her affidavit as prescribed in Section 36.11(b)(3) of the Act. The affidavit shall detail the experience being requested by the applicant and provide the following minimum information:

- i) The boundaries of the mass ad valorem tax appraisal/assessment project.
- ii) The number of parcels included in the mass ad valorem appraisal/assessment project.
- iii) The types of property (residential, commercial, industrial) included in the project and the ratio of each.
- iv) The time period in which the mass ad valorem tax appraisal/assessment took place.
- v) The number and type (residential or nonresidential) of properties valued (the analysis and establishment of values) through the cost, income and market sale appraisal techniques.
- vi) The number and type (residential or nonresidential) of reviews and analyses of appraisals employing the cost, income and market sale appraisal techniques.
- vii) The specific address where records pertaining to such mass ad valorem tax appraisals/assessments, valorem appraisals or appraisal reviews are filed.
- viii) A certification, in accordance with Section 36.11(b) of Article 2 of the Act.



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- c) The Department may require the applicant to provide selected samples of the appraisals submitted for experience credit.
- 3) A complete work history for a period of five years preceding the application date;
- 4) The required fee provided for in Section 36.6 of the Act; and
- 5) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/certified as a real estate appraiser and any location in which the applicant is currently licensed/certified as a real estate appraiser, if applicable, stating:
- A) The time during which the applicant was licensed/certified and,
- B) Whether the file of the applicant contains any record of any disciplinary actions taken or pending.
- b) When the accuracy of any submitted documentation or the relevance or sufficiency of the coursework or experience is questioned by the Department or the Committee because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure/certification shall be requested to:
- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Committee or Appraisal Administrator to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.
- c) Upon receipt of the application and all supporting documentation, the applicant's file will be evaluated by the Department. The applicant will be notified in writing of approval to sit for the examination or the reasons the application has been deferred or denied.

## Section 1455.50 Examination

- a) The examination administered by the Department or its designated testing service shall be an examination which covers the content of the National Uniform Examination and is approved by the Appraisal Qualification Board.
- b) The passing score on the examination shall be 75.

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- c) The Department shall accept the examination results of an Illinois appraisal candidate who has taken the examination for certification or licensure in another jurisdiction under the following conditions:
- 1) The examination has been approved by the Appraisal Qualification Board.
- 2) The examination taken in another jurisdiction can only be applied toward an Illinois equivalent appraisal category. If there is no equivalent category, the examination would not be accepted.
- 3) The examination report is the official test score report from the testing entity.
- A) The applicant is responsible for obtaining the report from the testing entity and paying any fees to obtain the report.
- B) The Department will not accept or apply the test results until such time as the applicant is notified of having met all requirements for licensure or certification in Illinois.
- C) The Department will not issue a license or certificate until receipt from the applicant of the federal fee required by Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989.

## Section 1455.60 Nonresident Licensure/Certification

- a) A license/certification shall be issued without examination to a nonresident real estate appraiser licensed/certified under the laws of his/her home state if:
- 1) The appraiser applicant is the holder of an active license or certification in his/her home state;
- 2) The standards of that state for licensing/certifying as a real estate appraiser are substantially equivalent to the minimum standards in Illinois;
- 3) The real estate appraiser's home state grants reciprocal privilege to real estate appraisers licensed/certified in Illinois; and
- 4) There is no discipline proceeding pending or unresolved against the applicant in his/her home state.
- b) The real estate appraiser shall file an application, on forms provided by the Department, which includes:



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- 1) A statement bearing the seal of the licensing authority in the state in which he/she is licensed/certified, showing an active license/certification as a real estate appraiser;
  - 2) A certification of irrevocable consent required by Section 5836.13 of the Act;
  - 3) The business address in the state of reciprocity;
  - 4) The required fee provided for in Section 36.6(1) and (2) of the Act.
- c) Upon request by the Department, the real estate appraiser shall attest in writing, on forms supplied by the Department, to the fact that the license is active and in good standing and that he/she understands that the reciprocal license is valid only as long as he/she remains a resident of that state and will be invalid on the date his/her home state license/certification is expired, is suspended, is inactive or otherwise not in good standing.
- d) A reciprocal license/certification becomes invalid when the licensee changes his/her residence to Illinois or any other state.
- e) All requirements for licensure by reciprocity shall be met within one year of the date of original application or the application shall be denied and the fee forfeited. Thereafter, to be considered for licensure, such applicant shall file a new application and fee.

## Section 1455.70 Nonresident/Temporary Practice

- a) A nonresident appraiser, licensed/certified in another jurisdiction, may apply for a temporary appraisal practice permit by filing with the Department, on an application provided by the Department. The information submitted on the application shall include, but not be limited to, the following:

- 1) The applicant's name, address, social security number, any other such information as might be necessary to identify the applicant.
- 2) A certification from the agency in the applicant's home state of licensure/certification, certifying that the applicant is a duly licensed/certified real estate appraiser in good standing; and, setting forth any discipline taken (or pending) by the agency against the applicant.
- 3) An estimate of the amount of time required to perform the appraisal assignment(s) and a description of the property or properties to be appraised by the applicant.

- 4) An irrevocable consent that service of process in any action against the applicant that may arise from the applicant's Illinois appraisal activities may be made by delivery of process on the Illinois Appraisal Administrator.

- 5) Such other information as may be necessary to determine the applicant's eligibility for temporary appraisal privileges within the State of Illinois.

- b) Limitations and requirements for temporary appraisal practice are as follows:

- 1) The temporary practice permit shall be for a period of 60 days from the date of issuance. The permit may not be renewed but may be extended for 30 days upon written request and payment of an extension fee, at least 14 business days prior to the expiration of the original temporary practice permit;

- 2) Each applicant is limited to 2 temporary appraisal practice permits in any calendar year;

- 3) The fee for each temporary permit shall be \$80.00, shall accompany the application and is non-refundable. The fee for extension of an appraisal permit is \$80.00, shall accompany the written request for extension and is not refundable;

- 4) Persons granted temporary appraisal practice permits shall not advertise, solicit or otherwise represent themselves as State Licensed Real Estate Appraisers, Certified Residential Real Estate Appraisers or Certified General Real Estate Appraisers; and

- 5) Applicants will be required to pay any fee required by the federal government under Title XI of the Federal Institutions Reform, Recovery and Enforcement Act of 1989.

## SUBPART B: EDUCATION PROVIDERS

## Section 1455.200 Approval of Education Providers

- a) An entity seeking approval as an education provider shall submit an application, on forms provided by the Department, and shall meet the following minimum criteria:

- 1) The provider shall:

- A) Maintain a fixed office that is adequate for the maintenance of all records, office equipment, files, telephone equipment and office space necessary for customer service;



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- B) Offer a minimum of one curriculum that conforms to the standards of subsection (b) below;
- C) Administer a mandatory final examination for each course offering;
- D) Provide each student within 21 days of completion of each course a certification of completion, transcript or other document verifying hours of attendance, successful course completion and identifying the course by name and number, if any. In addition, such certificate, transcript or other document shall indicate the provider's address and telephone number, the location and date of the course, and include an authorized signature of the course provider's representative;
- E) Submit the fee set forth in Section 1455.210;
- F) The premises, equipment and facilities of the course site shall comply with all applicable fire, building, zoning, health, safety and accessibility codes and standards;
- G) Approved course providers shall not advertise as being endorsed, recommended or accredited by the Department. Course providers may indicate that the provider and course of study has been approved by the Department;

H) The course provider shall provide the student with information which specifies the course of study to be offered; the tuition to be charged; the school's policy regarding refund of unearned tuition when a student is dismissed or withdraws voluntarily or through hardship; any additional fee to be charged for supplies, materials or books which become the property of the student upon payment; and such other matters as are material to the relationship between the school and the student (e.g., cost of retaking a course, current status of licensure, any disciplinary action taken by the Department, attendance requirements); and

- I) Each course provider shall maintain for each student a record which shall include the course of instruction undertaken, dates of attendance, and areas of study completed satisfactorily. Each student's record shall be maintained by the school for a period of at least 5 years and shall be available for inspection by the student or by the Department or its designee during regular business hours.

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## NOTICE OF PROPOSED RULES

- 2) The approved provider should employ instructors who are Certified Residential/General Appraisers or persons with education and/or experience in appraisal or the subject matter of the course.
- 3) Colleges and universities
  - A) Colleges and universities which apply as education providers under subsection (a)(1) above shall be accredited by the regional accrediting body and offer either or both an associate's and baccalaureate degree program.
  - B) Colleges and universities will not be required to pay the application fees required by Section 1455.210.
  - C) The approved provider colleges/universities should employ instructors who are Certified Residential/General Appraisers or persons with education and/or experience in appraisal or the subject matter of the course.

## b) Required Course Curriculum

- 1) Standards of Professional Appraisal Practice--15 hours (IL D). This course curriculum reviews Uniform Standards of Professional Appraisal Practice (USPAP) adopted by the Appraisal Subcommittee. Topics are:

- A) Ethics Provision - USPAP
- B) Competency Provision - USPAP
- C) Departure Provision - USPAP
- D) Standard 1 - USPAP
- E) Standard 2 - USPAP
- F) Standard 3 - USPAP
- G) Standard 4 - USPAP
- H) Standard 5 - USPAP
- I) Standard 6 - USPAP

- 2) Basic Principles of Appraisal--30 hours (IL II). This course curriculum shall include an overview of the appraisal process covering the principles of market and valuation analysis necessary for appraising real property and an introduction to appraisal theory, concepts, techniques and the level of competence required to perform professional appraisal analyses. Topics are:

- A) Influences on Real Estate
- B) Real Estate/Real Property/Personal Property
- C) Real Estate Ownership
- D) Legal Descriptions



## NOTICE OF PROPOSED RULES

- E) Types of Value
- F) Economic Principles
- G) Real Estate Markets and Market Analysis
- H) Money and Capital Markets
- I) Real Estate Financing
- J) Valuation Process
- K) Neighborhood Data and Analysis
- L) Site Data and Analysis
- M) Improvement Data and Analysis
- N) Basic Construction and Design
- O) Highest and Best Use Analysis
- P) Sources of Valuation Data
- Q) Accumulation of Valuation Data
- R) Overview of the Three Approaches to Value
- S) Reconciliation and Final Value Estimate
- T) Overview of the Appraisal Report

- 3) Residential Valuation Procedures/Single Family Appraisal--30 hours (IL III). This course curriculum shall be designed to provide an understanding and working knowledge of the procedures and techniques required to estimate the market value of residential properties. Emphasis should be placed on the extraction of data and the correct application of the three approaches to real estate valuation. Topics are:

- A) Basic Statistics
- B) Residential Site Valuation - Sales Comparison
- C) Residential Site Valuation - Allocation
- D) Residential Site Valuation - Extractions
- E) Cost Approach - Cost New Estimates
- F) Cost Approach - Entrepreneurial Profit
- G) Cost Approach - Types of Depreciation
- H) Cost Approach - Depreciation - Age-Life Method
- I) Cost Approach - Depreciation - Market Extraction Method
- J) Cost Approach - Depreciation - Breakdown Method
- K) Cost Approach - Application
- L) Sales Comparison Approach - Units of Comparison
- M) Sales Comparison Approach - Elements of Comparison
- N) Sales Comparison Approach - Cash Equivalency
- O) Sales Comparison Approach - Making Adjustments
- P) Sales Comparison Approach - Application
- Q) Income Capitalization Approach - Gross Rent Estimates
- R) Income Capitalization Approach - Gross Rent Multiplier
- S) Income Capitalization Approach - Application
- T) Residential Appraisal Reports

## NOTICE OF PROPOSED RULES

- 4) Valuation Procedures, Nonresidential Properties--30 hours (IL IV). This course curriculum focuses on the appraisal of nonresidential properties and provides a practical solution for estimating value by an in-depth study of appraisal theory and the development of advanced valuation skills. Topics are:

- A) Basic Statistics
- B) Site Valuation - Sales Comparison
- C) Site Valuation - Allocation/Extraction
- D) Site Valuation - Subdivision Analysis/Other Methods
- E) Cost Approach - Cost New Estimates
- F) Cost Approach - Entrepreneurial Profit
- G) Cost Approach - Types of Depreciation
- H) Cost Approach - Depreciation - Age-Life Method
- I) Cost Approach - Depreciation - Market Extraction Method
- J) Cost Approach - Depreciation - Breakdown Method
- K) Cost Approach - Application
- L) Sales Comparison Approach - Units of Comparison
- M) Sales Comparison Approach - Elements of Comparison
- N) Sales Comparison Approach - Cash Equivalency
- O) Sales Comparison Approach - Making Adjustments
- P) Sales Comparison Approach - Application
- Q) Income Approach - Income Estimates
- R) Income Approach - Expense Estimates
- S) Income Approach - Capitalization Rates
- T) Income Approach - Direct Capitalization
- U) Income Approach - Income Multipliers
- V) Income Approach - Application
- W) Appraisal Reports

- 5) Income Capitalization--30 hours (IL V). Courses in this curriculum are to provide alternative methods of estimating present value based on income forecasts. These courses focus on more advanced capitalization methods and techniques. Topics include:

- A) Six Functions of \$1
- B) Gross Income Estimates
- C) Vacancy and Collection Loss
- D) Operating Expense Estimates
- E) Reserves for Replacement
- F) Operating Statement Ratios and Multipliers
- G) Debt Service/Equity Dividend
- H) Direct Capitalization
- I) Overall Rate Development - Market Extraction
- J) Overall Rate Development - Band of Investment
- K) Overall Rate Development - Ratios/Multipliers
- L) Overall Rate Development - Residual Techniques
- M) Equity Dividend Rate
- N) Debt Coverage Ratio



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

- O) Cash Flow Estimates
  - P) Reversion Estimates
  - Q) Discount and Yield Rates
  - R) Yield Capitalization Overview
  - S) Discounted Cash Flow Analysis Overview
  - T) Lease Provisions, Analysis and Valuation
  - U) Lease Analysis
  - V) Partial Interest Valuation
- 6) Courses in the IL E curriculum (electives) are courses with topics that are considered more advanced; and/or cover appraisal topics not covered in the core course curricula.

7) Each course shall be a minimum of 15 credit hours.

8) All courses shall include a final examination.

A) Each final exam for curricula IL II, IL III, IL IV, IL V and IL E (elective) courses shall consist of a minimum of 50 questions. (25 questions per each 15 hours of instruction).

B) The final exam for IL I category courses shall consist of a minimum of 25 questions.

C) The applicant shall pass the examination in order to obtain credit for a course. A passing score shall be a minimum of 70% of examination questions answered correctly.

9) If 80% of the required topics are presented, the course shall be approved for the minimum required hours. If 40% of the required topics are presented, the course shall be approved for 1/2 the minimum hours; for courses in the IL I curriculum 100% of the listed topics must be covered.

10) All changes in course content shall be submitted to the Department for review and evaluation.

11) All courses offered by an approved provider shall be submitted to the Department for reevaluation every 3 years (from date of original approval), along with the \$500 per course approval fee set forth in Section 1455.210(c).

c) Withdrawal of Approval

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

- 1) The Department, upon recommendation of the Real Estate Appraisal Committee, shall withdraw, suspend or place on probation in accordance with 68 Ill. Adm. Code 1110 the approval of the real estate appraiser education provider when the quality of the program fails to continue to meet the established criteria of an approved provider as set out in this Section or upon determination that the decision to approve the program was based upon false or deceptive information.
- 2) Approval will terminate immediately upon failure to renew. The provider may thereafter reapply for approval as an education provider.

## Section 1455.210 Fees - Education Providers

- a) The fee for application as a real estate appraiser education provider shall be \$1000, plus \$500 per course which is non-refundable.
- b) The fee for renewal of an approved real estate appraiser education provider shall be \$500 per year which is non-refundable.
- c) The fee for adding a course pursuant to Section 1455.200 shall be \$500.
- d) The fee for reevaluation of a course shall be \$500 and each approved course must be re-evaluated and re-approved every 3 years.

## SUBPART C: GENERAL

## Section 1455.300 Renewals

a) Every license or certificate issued under the Act as a State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser or Certified General Real Estate Appraiser shall expire on June 30 of each odd-numbered year. The holder of a license or certification may renew certification during the month preceding the expiration date by paying the required fee specified in Section 36.6 of the Act.

b) In order to renew a license or certification in 1995, and thereafter, an applicant will be required to comply with the continuing education requirements pursuant to Section 36.17 of the Act.

c) Approved real estate appraiser education providers shall renew December 31 each year by paying the required fee set forth in Section 1455.210(b) of this Part.



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED RULES

d) It is the responsibility of each individual holding certification or licensure to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew the certification in a timely manner.

e) A certificate for State Licensed Real Estate Appraiser will not be renewed until the Department has received documentation of 500 hours of experience in accordance with Section 1455.20(b). To expedite processing, the documentation may be submitted with the original application for licensure or as soon as the experience is met; otherwise, it shall be submitted with the renewal application.

## Section 1455.310 Granting Variances

a) The Director may grant variances from these rules in individual cases where:

- 1) The provision from which the variance is granted is not statutorily mandated;
- 2) No party will be injured by the granting of the variance; and
- 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

b) The Director shall notify the Real Estate Appraisal Committee in writing of the granting of a variance, and the reasons therefor.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: General Assistance

2) Code Citation: 89 Ill. Adm. Code 114

3) Section Numbers: Proposed Action:

|                           |           |
|---------------------------|-----------|
| 114.120                   | Amendment |
| 114.121, 114.124, 114.125 | Repeal    |
| 114.126, 114.127, 114.128 | Repeal    |
| 114.129, 114.130, 114.135 | Repeal    |

4) Statutory Authority: Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. Stat. 1991, ch. 23, pars. 6-1 et seq. and 12-13) and Public Act 87-893 (Senate Bill 1717), effective August 5, 1992.

5) Complete Description of the Subjects and Issues Involved:

The Department of Public Aid is proposing these amendments to the General Assistance rules (89 Ill. Adm. Code 114) as part of its implementation of the Food Stamp Employment and Training Program, including the Earnfare component. These proposed changes in the General Assistance rules replace provisions which conflict with the new program and provide appropriate references to the program. The amendments are also being adopted on an emergency basis effective October 1, 1992.

Many of the provisions included in the Food Stamp Employment and Training Program in the Food Stamp rules (89 Ill. Adm. Code 121) are based on the current rules under the General Assistance program. The relationship between these rules is indicated in the following chart, which should assist interested persons in determining the substantive changes in the program:

| <u>Current Provisions in Part 114</u> | <u>New Provisions in Part 121</u> | <u>Subject</u>                  |
|---------------------------------------|-----------------------------------|---------------------------------|
| Section 114.121                       | Section 121.160                   | Persons Required to Participate |
| Section 114.124                       | Section 121.162                   | Participation, Cooperation      |
| Section 114.125                       | Section 121.164                   | Orientation                     |
| Section 114.126                       | Section 121.166                   | Assessment, Employability Plan  |
| Section 114.127(a)                    | Section 121.170                   | Job Search Component            |
| Section 114.127(b)                    | Section 121.172                   | Basic Education Component       |
| Section 114.127(d)                    | Section 121.174                   | Job Readiness Component         |
| Section 114.127(e)                    | Section 121.176                   | Work Experience Component       |
| Section 114.128                       | Section 121.178                   | Job Training Component          |
|                                       | Section 121.180                   | Grant Diversion Component       |
|                                       | Section 121.184                   | Sanctions                       |



DEPARTMENT OF PUBLIC AID  
NOTICE OF PROPOSED AMENDMENTS

| Current Provisions<br>in Part 114 | New Provisions<br>in Part 121 | Subject                          |
|-----------------------------------|-------------------------------|----------------------------------|
| Section 114.129                   | Section 121.186               | Good Cause, Failure to Cooperate |
| Section 114.130                   | Section 121.188               | Supportive Services              |
| Section 114.135                   | Section 121.190               | Conciliation, Fair Hearings      |

The proposed amendments to Section 114.120 provide references to the Food Stamp Employment and Training Program, which indicate individuals who may be eligible to participate or required to participate.

The Department estimates that the cost of operation of the Earnfare program for Fiscal Year 1993 at about \$10 million. No other increases in expenditures are anticipated as a result of these proposed amendments.

- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

| Sections | Proposed Action | Illinois Register Citation              |
|----------|-----------------|---|
| 114.1    | Amendment       | July 17, 1992 (16 Ill. Reg. 11401)      |
| 114.1    | Amendment       | September 11, 1992 (16 Ill. Reg. 13766) |
| 114.2    | Amendment       | July 17, 1992 (16 Ill. Reg. 11401)      |
| 114.2    | Amendment       | September 11, 1992 (16 Ill. Reg. 13766) |
| 114.9    | Amendment       | September 4, 1992 (16 Ill. Reg. 13395)  |
| 114.270  | Repeal          | October 2, 1992 (16 Ill. Reg. 15008)    |
| 114.351  | Amendment       | July 17, 1992 (16 Ill. Reg. 11401)      |
| 114.351  | Amendment       | September 11, 1992 (16 Ill. Reg. 13766) |
| 114.352  | Amendment       | July 17, 1992 (16 Ill. Reg. 11401)      |
| 114.352  | Amendment       | September 11, 1992 (16 Ill. Reg. 13766) |
| 114.353  | Amendment       | July 17, 1992 (16 Ill. Reg. 11401)      |
| 114.353  | Amendment       | September 11, 1992 (16 Ill. Reg. 13766) |
| 114.420  | Amendment       | October 2, 1992 (16 Ill. Reg. 15008)    |
| 114.430  | Amendment       | October 9, 1992 (16 Ill. Reg. 15287)    |
| 114.440  | New Section     | September 25, 1992 (16 Ill. Reg. 14538) |

- 10) Statement of Statewide Policy Objectives: Units of local government may participate as employers in the Earnfare program established under these amendments. No additional requirements are being imposed on units of local government.

DEPARTMENT OF PUBLIC AID  
NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umuna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:  
Not Applicable
- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance:  
None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 16279.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Food Stamps2) Code Citation: 89 Ill. Adm. Code 1213) Section Numbers: Proposed Action:

121.23, 121.24, 121.25, Repeal  
 121.26, 121.27, 121.28, Repeal  
 121.29 Repeal  
 121.160, 121.162, 121.164, New Section  
 121.166, 121.170, 121.172, New Section  
 121.174, 121.176, 121.178, New Section  
 121.180, 121.182, 121.184, New Section  
 121.186, 121.188, 121.190 New Section

4) Statutory Authority: Sections 12-4.4 through 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-4.4 through 12-4.6 and 12-3) and Public Act 87-893 (Senate Bill 1717), effective August 5, 19925) Complete Description of the Subjects and Issues Involved:

These proposed amendments to the Department of Public Aid's food stamp rules (89 Ill. Adm. Code 121) are intended to implement the Food Stamp Employment and Training Program, including the Earnfare component. The amendments are also being adopted on an emergency basis effective October 1, 1992.

The current provisions of the food stamp rules which address employment and training requirements (Sections 121.23 through 121.29) are being replaced by the provisions which are necessary to implement this program (Sections 121.160 through 121.190). Public Act 87-893 (Senate Bill 1717), effective August 5, 1992, authorizes the Department to establish this program.

The Earnfare component is being implemented in proposed new Section 121.182. This component will provide an opportunity for individuals who are no longer eligible for General Assistance to earn up to \$154 per month. The proposed provisions of Section 121.182 address eligibility, notification of eligible individuals, participation requirements, payments, and other procedures for the administration of the program.

The Earnfare, job readiness, and grant diversion components are additions to the other components of the Food Stamp Employment and Training Program. The other components include job search, basic education, work experience, and job training.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Many of the provisions included in the Food Stamp Employment and Training Program are based on the current rules under the General Assistance Program. Amendments are also being proposed to the General Assistance rules (89 Ill. Adm. Code 114) to repeal these provisions. The relationship between these rules is indicated in the following chart, which should assist interested persons in determining the substantive changes in the program:

| Current Provisions<br>in Part 114 | New Provisions<br>in Part 121 | Subject                          |
|-----------------------------------|-------------------------------|----------------------------------|
| Section 114.121                   | Section 121.160               | Persons Required to Participate  |
| Section 114.124                   | Section 121.162               | Participation, Cooperation       |
| Section 114.125                   | Section 121.164               | Orientation                      |
| Section 114.126                   | Section 121.166               | Assessment, Employability Plan   |
| Section 114.127(a)                | Section 121.170               | Job Search Component             |
| Section 114.127(b)                | Section 121.172               | Basic Education Component        |
|                                   | Section 121.174               | Job Readiness Component          |
| Section 114.127(d)                | Section 121.176               | Work Experience Component        |
|                                   | Section 121.178               | Job Training Component           |
| Section 114.127(e)                | Section 121.180               | Grant Diversion Component        |
| Section 114.128                   | Section 121.184               | Sanctions                        |
| Section 114.129                   | Section 121.186               | Good Cause, Failure to Cooperate |
| Section 114.130                   | Section 121.188               | Supportive Services              |
| Section 114.135                   | Section 121.190               | Conciliation, Fair Hearings      |

The Department estimates that the cost of operation of the Earnfare program for Fiscal Year 1993 at about \$10 million. No other increases in expenditures are anticipated as a result of these proposed amendments.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? Yes

| Sections | Proposed Action | Illinois Register Citation             |
|----------|-----------------|--|
| 121.3    | Amendment       | September 4, 1992 (16 Ill. Reg. 13385) |
| 121.34   | Amendment       | May 29, 1992 (16 Ill. Reg. 8039)       |
| 121.41   | Amendment       | September 4, 1992 (16 Ill. Reg. 13385) |
| 121.59   | Amendment       | September 4, 1992 (16 Ill. Reg. 13385) |
| 121.76   | New Section     | September 4, 1992 (16 Ill. Reg. 13385) |

IT CHANGES



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objectives: Units of local government may participate as employers in the Earnfare program established under these amendments. No additional requirements are being imposed on units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

## 12) Initial Regulatory Flexibility Analysis:

A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:  
Not Applicable

B) Types of small businesses affected: None

C) Reporting, bookkeeping or other procedures required for compliance:  
None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 16224.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part:

Family Planning Services Code

2) Code Citation:

77 Ill. Adm. Code 635

3) Section Numbers:

635.30

635.35

635.90

Proposed Action:

Amendment

Amendment

Amendment

4) Statutory Authority:

Implementing and authorized by Section 55 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55)

5) A Complete Description of the Subjects and Issues Involved:

This rulemaking implements 42 CFR 59.7 through 59.10, promulgated February 2, 1988, which specifies that funds appropriated under Title X shall not be used in programs in which counseling on abortion as a pregnancy option is provided. The rulemaking incorporates by reference the 1988 federal regulations mentioned above and prohibits Title X clinics from providing abortion counseling.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? Yes X No.

If "yes", please specify the date: \_\_\_\_\_

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? Yes No X

If yes:

Section Numbers Proposed Action Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

This rulemaking will not create or expand expenditures on the part of units of local government.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present its comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such.

- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Types of Small Businesses affected:

Clinics funded under Title X.

C) Reporting, bookkeeping or other procedures required for compliance:

No new reporting procedures are required for compliance.

D) Types of professional skills necessary for compliance:

None

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

Title 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER I: MATERNAL AND CHILD HEALTH

## PART 635

## FAMILY PLANNING SERVICES CODE

| Section        |   |
|----------------|---|
| 635.10         | Legislative Base  |
| 635.20         | Administration  |
| 635.30         | Definitions   |
| 635.35         | Incorporated Materials  |
| 635.40         | Standards and Policies for Personnel of Delegate Agencies                 |
| 635.50         | Standards for Facilities of Delegate Agencies                             |
| 635.60         | Financial Management Systems and Audits of Delegate Agencies              |
| 635.70         | Charges and Billing Procedures for Delegate Agencies                      |
| 635.80         | Written Policies, Protocols and Procedures of Delegate Agencies           |
| 635.90         | Required Services   |
| 635.100        | Referrals and Follow-Up   |
| 635.110        | Quality Assurance   |
| 635.120        | Clinic Schedule   |
| 635.130        | Clinic Management   |
| 635.140        | Community Education, Information and Education Advisory Committee         |
| 635.150        | Family Participation Plan   |
| 635.160        | Applications  |
| 635.170        | Reporting Requirements  |
| 635.180        | Termination   |
| 635.190        | Review Under Administrative Review Law                                    |
| 635-Appendix A | Illinois Family Planning Clinic Visit Record                              |
| 635-Appendix B | A Guide to Cost Analysis Developing Cost Based Fees and Sliding Fee Scale |
| 635-Appendix C | Family Planning Services Application Packet                               |
| 635-Appendix D | Instruction Manual For the BCHS Common Reporting Requirements             |

AUTHORITY: Implementing and authorized by Section 55 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch.127, par. 55).

SOURCE: Emergency rule adopted and codified at 7 Ill. Reg. 8364, effective July 6, 1983, for a maximum of 150 days; emergency expired December 3, 1983; adopted at 7 Ill. Reg. 16955, effective December 9, 1983; amended at 14 Ill. Reg. 20783, effective January 1, 1991; amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 635.30 Definitions



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"Agreement" means the written contract between the Department and delegate agency prepared by the Department and authorized by both parties.

"Delegate agency" means a public or private not-for-profit entity which provides family planning services under a negotiated written agreement with the Department.

"Family" means a social unit composed of one person, or two or more persons living together, as a household.

"Family planning services" means those medical, social, educational and referral services related to the avoidance, achievement, timing or spacing of pregnancy.

"Federal and State Regulations" governing Family Planning Services means printed regulations found in the following sources:

42 CFR, Subpart B, 50.201-50.209; 42 CFR, Subpart C, 50.301-50.310; 45 CFR 16, 74, 80, 84 and 90; 42 CFR, 59.7 - 59.10 (February 20, 1988).

"Low income family" means a family whose total annual income does not exceed 100 percent of the most recent DHHS Income Poverty Guidelines 54 FR 31, February 16, 1989.

"Marginal income family" means a family whose total annual income is above 100% and does not exceed 250% of the most recent DHHS Income Poverty Guidelines.

"Program Income" means gross income earned by a delegate agency and budgeted in the award period for activities described in the project and generated as a result of that delegate agency having received a grant from the Department. Such income shall include fees for services performed and proceeds from the usage or rental of equipment funded by the grant. Revenues received from taxes, levies, and fines are not considered program income. However, the receipt and expenditure of such revenues shall be recorded as part of the grant or subgrant project budget when such revenues are specifically earmarked for the project's Family Planning Program.

"Project Funds" means all sources of money related to the family planning services program and identified in the agency's family planning budget.

"Satisfactory Performance" means having met or exceeded the program objectives of serving a target population of which 85 percent of the unduplicated users are at or below 150 percent of the Federal Poverty Income Guidelines, as set by the state agency in their agreements with delegate agencies and meeting both the clinical and administrative indicators of the Bureau of Community Health Services (BCHS) of Common Reporting Requirements (BCRR).

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"Underserved area" means geographic areas (county or Chicago Community Area) where less than 80 percent of the estimated number of women in need of family planning services are being served.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 635.35 Incorporated Materials

The following materials are incorporated or referenced in this Part:

## a) Federal Statutes and Regulations:

1) Family Planning Services and Population Research Act of 1970, (P.L. 91-572, 42 U.S.C. 300 (a)(6)(a)).

2) Poverty Income Guidelines, 54 FR 31, February 16, 1989.

3) Title VI, Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)

4) 42 CFR Subpart B, 50.201-50.209; 42 CFR, Subpart C, 50.301-50.310; 45 CFR 16, 74, 80, 84, 90-42 CFR, 59.7 - 59.10 (February 20, 1988).

5) Accreditation Manual for Hospitals (1989). The Joint Commission on Accreditation of Healthcare Organizations, 875 North Michigan Avenue, Chicago, Illinois 60611.

## b) State of Illinois Statutes and Regulations:

1) The Ambulatory Surgical Treatment Center Act (Ill. Rev. Stat. 19899J, ch. 111 1/2, par. 157-8.1 et seq.).

2) Section 15a of AN ACT in relation to State finance (Ill. Rev. Stat. 19899J, ch. 127, par. 151a)

3) The Internal Auditing Act (Ill. Rev. Stat. 19899J, ch. 127, par. 136.1 et seq.).

4) Administrative Review Law (Ill. Rev. Stat. 19899J, ch. 110, par. 3-101 et seq.).

5) Minimum Qualifications for Public Health Personnel Employed by Full-Time Local Health Departments (77 Ill. Adm. Code 600).

6) Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill. Adm. Code 205).



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 7) Travel (80 Ill. Adm. Code 2800).
- 8) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
- c) Other Materials
  - 1) Professional Standards of American Institute of Certified Public Accountants (Volume 1, Section 150, November 1982), American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, New York 10036-8775
  - 2) Program Guidelines for Project Grants for Family Planning Services published by the U.S. Department of Health and Human Services (U.S. G.P.O. 1981, 0-341-166/6348), U. S. Department of Health and Human Services, Public Health Service, Health Services Administration, Bureau of Community Health Services, Office for Family Planning, 5600 Fishers Lane, Rockville, Maryland 20857.
  - 3) Department of Health and Human Services Instruction Manual for BCHS Common Reporting Requirements (1982). U.S. Department of Health and Human Services, Public Health Service, Health Services Administration, Rockville, Maryland 20857.
  - 4) BCHS Ambulatory Health Care Standards. U.S. Department of Health and Human Services, Public Health Service, Health Services Administration, Bureau of Community Health Services, Rockville, Maryland 20857.
  - 5) Accreditation Manual for Hospitals (1989). The Joint Commission on Accreditation of Healthcare Organizations, 875 North Michigan Avenue, Chicago, Illinois 60611.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 635.90 Required Services

Delegate agencies are required to deliver the following services and components either directly on-site or by referral. Minimum requirements for routine contraceptive management which shall be met are included in "Program Guidelines for Project Grants for Family Planning Services" published by the U.S. Department of Health and Human Services (42 CFR 59.5). Abortions shall not be provided by delegate agencies as a method of birth control.

- a) Client education
  - 1) Male and female anatomy and physiology

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 2) Conception - the importance of prenatal care, and risks associated with childbearing at the extremes of the reproductive age span i.e. less than 17 years of age and over 34 years of age
- 3) Contraception - including action, effectiveness, use benefits, risks and side effects
  - A) Male and female sterilization
  - B) Oral contraceptives
  - C) IUDs
  - D) Contraceptive sponge
  - E) Foam, condoms and vaginal contraceptive film
  - F) Diaphragm and cream/jelly (cervical cap if available)
  - G) Natural family planning (NFP) (ovulation/sympto-thermal)
  - H) Withdrawal
  - I) Post-coital contraception i.e., Diethylstilbestrol (DES)
  - J) Abstinence
- 4) Human immune deficiency virus/AIDS education
  - b) Counseling
    - 1) Method selection
    - 2) Compliance with treatment
  - A) Method used
  - B) Return appointments
  - C) Follow through with referrals
  - 3) Special Counseling
    - A) Nutrition problems



## DEPARTMENT OF PUBLIC HEALTH

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- B) Sexual/social problems
- ~~C) Pregnancy options~~
- ~~C/D) Genetics~~
- ~~D/E) Sterilization~~
- c) Examination
- 1) History
- A) Initial history
- i) Menstrual history including age of menarche, when periods became regular, date of last normal menstrual period, abnormal periods or intermenstrual bleeding
- ii) Past medical/surgical history including allergies, sexually transmitted diseases (STD), immunizations (especially rubella status), medications, review of systems
- iii) Pertinent history of biological parents and immediate family including heart disease, strokes before age 50, high blood cholesterol or fats, kidney disease, diabetes, high blood pressure, cancer, genetic problems
- iv) Reproductive history, number of pregnancies, outcome, complications and weight of infant at birth
- v) Social history including sexual activity, age at first intercourse, frequency of intercourse, number of partners, and drug/tobacco use/abuse
- vi) Contraceptive history including methods used, length of use, major side effects and complications
- vii) In utero exposure to diethylstilbestrol (DES)
- B) Interim history
- i) Interim medical/surgical history
- ii) Assessment of any side affects of contraceptive, specific to

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- method used
- iii) Menstrual history
- 2) Physical Exam
- A) Initial exam and annual exam
- i) Height and weight
- ii) Blood Pressure
- iii) Thyroid
- iv) Heart
- v) Lungs
- vi) Abdomen
- vii) Extremities
- viii) Breast with instruction in self-breast exam
- ix) Pelvic exam, including external genitalia; speculum exam including vagina, visualization of cervix; bi-manual exam including uterus, adnexa; and rectal exam as needed
- B) Special return visits
- i) Intrauterine device (IUD) - abdominal palpation, bi-manual exam and speculum exam for visualization of IUD string (two to six weeks after insertion)
- ii) Pill - Blood pressure with interim history after initial three months of use, after second three months of use, again after six months of use (3-3-7) and then every six months thereafter alternating with annual exams (6-7)
- iii) Diaphragm/cervical cap - recheck fit (approximately two weeks after initial fitting)
- iv) Problem visit - review of related system(s), appropriate laboratory tests



## DEPARTMENT OF PUBLIC HEALTH

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- v) Gonorrhea culture as indicated (previous history of Pelvic Inflammatory Disease (PID), previous history of Gonorrhea Culturing (GC), potential exposure, symptoms, multiple partners)

## 3) Laboratory tests

## A) Initial visit

- i) Hemoglobin or hematocrit  
ii) Pap smear

- iii) Gonorrhea culture for clients requesting IUD insertion, for those with high potential for exposure, or on request

## iv) Urinalysis for protein and glucose

## B) Annual visits

- i) Hemoglobin or hematocrit  
ii) Pap smear  
iii) Gonorrhea culture for clients with previous history of pelvic inflammatory disease (PID), previous history of gonorrhea, multiple partners, new partner(s), on client request and clients requesting IUD insertion

## C) Special tests as indicated

- i) Pregnancy test  
ii) Wet smear  
iii) Urine culture and sensitivities  
iv) Blood sugars  
v) T<sub>3</sub>, T<sub>4</sub>, TSH (thyroid hormones)  
vi) White blood count (WBC) and differential  
vii) Rubella titer if not known

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- viii) Sickle cell screen if indicated and not known  
ix) Herpes titer/culture

## x) Blood group and Rh type

## xi) VDRL/RPR/serology (test for syphilis)

## xii) Liver studies

## xiii) Chlamydia test

## d) Infertility services

## 1) Initial infertility history

## 2) Education

## 3) Physical exam (same as initial visit)

## 4) Laboratory tests (same as initial visit)

## 5) Counseling

## 6) Referral as indicated

## e) Pregnancy Services

## 1) Pregnancy testing

## 2) History and physical exam for confirmation

3) ~~Nondirective counseling on all options if test is positive, and referral as requested~~  
Referral by list for appropriate prenatal and/or social services if test is positive.

## 4) Family planning information if test is negative

## f) Adolescent Services

1) Counseling in all methods of contraception as indicated in subsection (a)(3) of this Section

## 2) History and physical exam as indicated including laboratory tests



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

3) Parental involvement via agency plan for family participation and as required by applicable Federal and State Regulations and administrative rules promulgated pursuant thereto

g) STD Services

- 1) Laboratory screenings
- 2) Reporting of positive cases to the State STD Program or its designated agent as required by state or local ordinance
- 3) Education, counseling, treatment and follow-up of infected individuals
- 4) Follow-up of contacts for testing/treatment
- h) Identification and follow-up of Diethylstilbestrol (DES) exposed clients
  - 1) DES history for clients born between 1940 and 1970
  - 2) Counseling of exposed individuals regarding potential risks/problems
  - 3) Colposcopy or referral for exposed females

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

ILLINOIS REGISTER  
SPACE NEEDS COMMISSION  
NOTICE OF PROPOSED RULES

1) Heading of the Part: The Placement of Monuments, Memorials and Statues on the State Capitol Building Grounds

2) Code Citation: 3 Ill. Adm. Code 800

3) Section Number: Proposed Action:  
800.20 New Section

4) Statutory Authority: Implementing and authorized by the Space Needs Act (Ill. Rev. Stat. 1991, ch. 63, pars. 221 et seq.).

5) A Complete Description of the Subjects and Issues Involved:

The purpose of this Section is to create a strategy for developing space for the display of monuments, memorials and statues on a more monumental scale and to present a more formal appearance in order to establish the proper scale and mood for public viewing of these items.

6) Will these proposed amendments replace an emergency rule currently in effect?

No

7) Does this rulemaking contain an automatic repeal date?

No

8) Do these proposed amendments contain incorporations by reference?

No

9) Are there any other proposed amendments pending on this Part?

No

10) Statement of Statewide Policy Objectives:

This proposed Rule will not involve any additional expenditures of State funds.



## SPACE NEEDS COMMISSION

## NOTICE OF PROPOSED RULES

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

James R. Schirott, 105 E. Irving Park Road, Itasca, Illinois 60143 within 30 days of publication.

- 12) Initial Regulatory Flexibility Analysis:

There is no anticipation that the proposed Rule will in any way affect Illinois small businesses.

The full text of the Proposed Rules begins on the next page.

## SPACE NEEDS COMMISSION

## NOTICE OF PROPOSED RULES

TITLE 3: LEGISLATURE  
SUBTITLE C: SPACE NEEDS COMMISSION  
CHAPTER IV: MONUMENTS, MEMORIALS AND STATUES

## PART 800

THE PLACEMENT OF MONUMENTS, MEMORIALS AND STATUES ON THE STATE  
CAPITOL BUILDING GROUNDS

Section 800.20 Placement of Monuments, Memorials and Statues

**AUTHORITY:** Implementing and authorized by the Space Needs Act (Ill. Rev. Stat. 1991, ch. 63, pars. 221 et seq.)

**SOURCE:** Added at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_.

**NOTE:** Italics denotes statutory language.

Section 800.20 Placement of Monuments, Memorials and Statues

a) The purpose of this Section is to create a strategy for developing space for the display of monuments, memorials and statues on a more monumental scale and to present a more formal appearance in order to establish the proper scale and mood for public viewing of these items.

b) Monuments, memorials and statues shall be placed:

1) only with the consent and approval of the Space Needs Commission

2) on Statue Row which consists of:

A) the south terminus to the north-south greenway

B) the area between the Stratton Building and the Capitol

C) south of the Stratton Building to the Museum Building

D) area between the Stratton Building and the Capitol

E) area of the Stratton Building North to the service drive entrance



## SPACE NEEDS COMMISSION

## NOTICE OF PROPOSED RULES

- c) State Capitol Building and surrounding grounds may be used for:

- 1) Monuments, memorials or statues associated with the State of Illinois depicting:

- A) an individual  
B) a profession, or  
C) an historic event

- 2) only with the consent and approval of the Space Needs Commission

## SPACE NEEDS COMMISSION

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Space Utilization in the Capitol Complex

- 2) Code Citation: 3 Ill. Adm. Code 850

- 3) Section Number: 850.10  
Proposed Action: New Section

- 4) Statutory Authority: Implementing and authorized by the Space Needs Act (Ill. Rev. Stat. 1991, ch. 63, pars. 221 et seq.).

- 5) A Complete Description of the Subjects and Issues Involved:

The purpose of this Section 850.10 is to insure the orderly transferring of the utilization state-owned space within the State Capitol Complex.

- 6) Will these proposed amendments replace an emergency rule currently in effect?

No

- 7) Does this rulemaking contain an automatic repeal date?

No

- 8) Do these proposed amendments contain incorporations by reference?

No

- 9) Are there any other proposed amendments pending on this Part?

No

- 10) Statement of Statewide Policy Objectives?

This proposed Rule will not involve any additional expenditures of State funds.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

James R. Schirott, 105 E. Irving Park Road, Itasca, Illinois, within 30 days of publication.



SPACE NEEDS COMMISSION  
NOTICE OF PROPOSED RULES12) Initial Regulatory Flexibility Analysis:

There is no anticipation that the proposed Rule will in any way affect Illinois small businesses.

The full text of the Proposed Rules begins on the next page.

SPACE NEEDS COMMISSION  
NOTICE OF PROPOSED RULESTITLE 3: LEGISLATURE  
SUBTITLE C: SPACE NEEDS COMMISSION  
CHAPTER IX: SPACE UTILIZATIONPART 850  
SPACE UTILIZATION IN THE CAPITOL COMPLEXSection  
850.10 Space Utilization in the State Capitol Complex

AUTHORITY: Implementing and authorized by the Space Needs Act (Ill. Rev. Stat. 1991, ch. 63, pars. 221 et seq.)

SOURCE: Added at \_\_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_.

NOTE: Italics denotes statutory language.

## Section 850.10 Space Utilization in the State Capitol Complex

- a) Any State of Illinois agency, commission, board or Constitutional office, which occupies state-owned space within the State Capitol Complex and which decides to vacate any portion of said space and assign it to another State agency or to a private entity, must obtain the prior approval of the Space Needs Commission.
- b) The Space Needs Commission may, prior to giving said approval, require competitive bids prior to any such utilization of space within the Capitol by a non-state agency.

1177 Chicago



## DEPARTMENT OF TRANSPORTATION

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Minimum Safety Standards for Construction of Type I School Buses

2) Code Citation: 92 Ill. Adm. Code 440

3) Section Numbers:

440.520

Proposed Action:

Amended

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 95 1/2, par. 12-812.

5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Department proposes to change a manufacturing requirement for diesel powered school buses. The new language requires that any insulated wire, flammable material, brake hose or fuel system component that is located within 4 inches (101.6 mm) of an exhaust system component be shielded. Prior to this rulemaking, shielding was required if the above-mentioned components were located within 11.8 inches (300 mm) of any exhaust system component.

This amendment was initiated by the Department after industry advised the Department that diesel fuel should not be regulated the same as other fuels. Since diesel fuel is classified as a combustible rather than a flammable fuel, the 12 inch distance requirement for shielding currently in the rule is excessive. The Department agreed to change the requirement. In addition, changes were made to correct a few technical mistakes make the last time this Part was amended.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This would affect any unit of local government that owns or operates school buses.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Mr. Bill Nonnenan  
Regulations Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
P. O. Box 19212  
Springfield, Illinois 62974-9212  
(217) 785-3064

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety, 3rd Floor  
Springfield

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This Part affects small businesses that own, operate or manufacture school buses.
- B) Reporting, bookkeeping or other procedures required for compliance: No new or additional reporting requirements are required for compliance with this Part.
- C) Types of professional skills necessary for compliance: No new or additional professional skills are required for compliance with this Part.

The full text of the Proposed Amendments begins on the next page:







## DEPARTMENT OF TRANSPORTATION

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inches) thick, shall have not less than a 200 mm (7.9 inches) vertical face, and shall extend to protect the outer edges of the fenders, or the body of a forward control bus. The bumper shall be of sufficient strength to permit pushing another vehicle of equal gross weight without permanent distortion.

- d) Clutch. A bus having a manual shift transmission shall be equipped with the type and size of clutch recommended by the incomplete vehicle manufacturer for heavy duty service between the engine and transmission installed in the bus.
- e) Color and Paint. See Section 440.420(g) of this Part.
- f) Drive Shaft. A suitable guard shall be provided for each segment of the drive shaft to prevent accident or injury if the shaft breaks or becomes disconnected.
- g) Exhaust System. The term "exhaust system" includes each manifold, gasket, connector, clamp, hanger, support, muffler, chamber, pipe, tube or other component used to conduct products of combustion from each engine exhaust port to the most remote point at which such products are discharged into the atmosphere.
  - 1) The exhaust system shall be outside the passenger and driver compartments. It shall be securely attached to the chassis, with provisions for accommodating expansion, contraction, and engine movements. Each gas conducting component that is not of stainless steel shall be of commercial heat and corrosion resistant exhaust system material and shall be nonflexible. The complete exhaust system shall be tightly connected and without a leak or outlet other than the opening at discharge end.
  - 2) The exhaust system shall be thermally insulated or shielded from a nearby pedestrian or cyclist, except at the discharge end, and shall be shielded as necessary to prevent "hitching to." For gasoline and alternate fuel (e.g., liquid petroleum gas or compressed natural gas) powered engines, any insulated wire, flammable material, brake hose, or fuel system component that is located within 300 mm (11.8 inches) of an exhaust system component which conducts products of combustion shall be protected by thermal insulation, heat baffle, or other shield capable of protecting from the impingement of hot exhaust gases escaping from a deteriorated exhaust system. For diesel powered engines, the above mentioned shielding is only required if the insulated wire, flammable material, brake hose or fuel

## DEPARTMENT OF TRANSPORTATION

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system component is within 101.6 mm (4 inches) of an exhaust system component. All other shielding requirements apply to diesel powered engines. However, inside the engine compartment the chassis manufacturer's standard governing the distance, or shielding, between exhaust manifold and brake, electric, or fuel system, shall prevail.

- 3) The discharge end, or ends, of the exhaust system shall be within 25 mm (1 inch) of the side, rear, or rear corner of the bus. The discharge shall be directed so as not to significantly impinge upon any part of the bus when the bus is stationary in calm air and so as to minimize such impingement when the bus is moving. The discharge shall not be directed toward any door or other opening into the bus body. The exhaust system shall not extend beyond a side rail, nor beyond the rear bumper. It shall not provide a step or opening for a small foot to stand on or in.
  - A) A side discharge opening shall be located behind the driver compartment on the left and 1 m (39.4 inches) or more from any type of service entrance on the right.
  - B) The distance rearward from a side discharge opening to a fuel tank or other fuel containing component, or to the transverse plane through the front edge of either a side emergency door or a side body ventilating air intake, shall be 1 m (39.4 inches) or more. However, a fuel containing component may be closer if shielding effective in preventing heating of fuel is installed.
  - C) The distance between a discharge opening and a tire, or the transverse plane containing the rear vertical edge of a side emergency door, or the longitudinal plane containing any vertical edge of a rear emergency door, shall be 150 mm (5.9 inches) or more. A discharge opening shall not be located between the planes perpendicular to an emergency door and containing the vertical edges of the closed door.
  - D) Each location or distance certified in relation to a door shall apply to the closed door in its normal (travel) position.
    - h) Frame. See Section 440.240(w)(1) of this Part.
    - i) Generating System. The generating system may utilize either mechanical rectification (commutator type) or diode rectification (alternator type).



## DEPARTMENT OF TRANSPORTATION

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- 1) The generator output shall be regulated automatically so as to provide for efficient battery charging without causing damaging potentials or currents in any part of the electrical system. Automatic means shall be provided to prevent battery discharge through the generator while the generator is not delivering current.
  - 2) The generator in a nominal 12 volt system shall be able to deliver a continuous current of 60 amperes, or more, while its automatic regulating devices are connected and functioning properly and the engine is running no faster than the speed at which it delivers its maximum net torque at the engine flywheel.
  - 3) The generator in a nominal 12 volt system shall be able to deliver a continuous current of 20 amperes, or more, while its automatic regulating devices are connected and functioning properly and the engine is running no faster than the curb idle speed recommended by the engine manufacturer.
  - 4) The generator in a nominal voltage system higher or lower than 12 volts shall be able to deliver at least the same continuous power (watts) as indicated under subsection Sections-440-520(i)(2) and Section 440.210(i)(3) of this Part, at the engine speeds indicated therein. NOTE: Where a bus must operate under adverse conditions such as low engine speeds, frequent periods of engine idle, and/or with high electrical load (frequent use of signals and interior lamps, high heater/defroster loads, etc.) for prolonged periods of time, the purchaser should specify a larger generator commensurate with operating conditions.
- j) Horn(s).
- 1) EVERY MOTOR VEHICLE WHEN OPERATED UPON A HIGHWAY SHALL BE EQUIPPED WITH A HORN IN GOOD WORKING ORDER AND CAPABLE OF EMITTING SOUND AUDIBLE UNDER NORMAL CONDITIONS FROM A DISTANCE OF NOT LESS THAN 200 FEET, BUT NO HORN OR OTHER WARNING DEVICE SHALL EMIT AN UNREASONABLE LOUD OR HARSH SOUND OR A WHISTLE. THE DRIVER OF A MOTOR VEHICLE SHALL WHEN REASONABLY NECESSARY TO INSURE SAFE OPERATION GIVE AUDIBLE WARNING WITH HIS HORN BUT SHALL NOT OTHERWISE USE SUCH HORN WHEN UPON A HIGHWAY. (Section 12-601(a), of the 196 Code).
  - 2) At least one horn shall be installed so as to conform to subsection Section-440-520(j)(1). The horn(s) shall be controlled conveniently by the seated driver.

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- 3) A SIREN, WHISTLE, OR BELL MAY NOT BE INSTALLED TO ATTRACT ATTENTION OF PEDESTRIANS OR DRIVERS OUTSIDE THE BUS (Section 12-601(b), of the 196 Code). This prohibition shall not be interpreted to prohibit use of such device(s) inside the bus body to provide warning(s) to the bus driver.
- k) Instruments. The bus shall be equipped with at least the following nonflare illuminated instruments and gauges mounted for easy maintenance and repair and in such a manner that each is clearly visible to the seated driver:
  - 1) Ammeter, with "charge" and "discharge" indications, provisions for 100 amperes, or more, continuous current indications, and arranged so as to remain unharmed by any ammeter current flow resulting from the installed generator operating at its maximum output;
  - 2) Gauge, Air Pressure or Vacuum (where air pressure or vacuum is utilized either to apply or to assist in applying the service brakes);
  - 3) Gauge, Engine Coolant Temperature;
  - 4) Gauge, Engine Oil Pressure;
  - 5) Gauge, Fuel;
  - 6) Odometer (may be combined with speedometer; may indicate kilometers traveled if such indication is shown, clearly and conspicuously);
  - 7) Speedometer, with both miles per hour and kilometers per hour scales that are easily readable.
- l) Lamps and Signals. See Section 440.420(r) of this Part.
- m) Oil Filter. A "full flow" type engine oil filter of approximately 1 liter (1 quart) capacity shall be installed. The purchaser may specify additional "full flow" or "by-pass" type filter(s), or oil treatment device(s).
- n) Shock Absorbers. Two front and two rear double-acting shock absorbers of adequate capacity shall be installed.
- o) Spare Tire (Optional). The spare tire and rim, if supplied, shall be of the same size designation and load rating as the largest tire and rim installed on the bus. Each spare tire and rim shall be suitably mounted in an accessible location outside the passenger compartment.



p) Springs and Suspension. Each spring and other component in any of the suspension systems shall be capable of supporting its share of the rated gross axle weight during normal operations. Where spring failure could result in total loss of control of the bus, suitable means shall be provided to make such total loss most unlikely.

q) Steering Mechanism. Power steering is optional. The steering mechanism(s) shall provide safe and accurate performance at maximum load and speed and shall be adjustable while installed on the completed bus. After the date of manufacture of the incomplete vehicle, the steering mechanism(s) shall not be modified unless such modification is done with the concurrence of the incomplete vehicle manufacturer and in accordance with the incomplete vehicle manufacturer's instructions.

r) Tow Hooks, Front (Optional). A front tow hook may not extend beyond the front of the front bumper. Each front tow hook not fastened securely to the chassis frame shall be connected to the frame by suitable braces.

s) Transmission. Unless otherwise specified by the purchaser, the transmission shall be manual-shift.

1) A manual-shift transmission shall provide not less than 4 forward gear ratios and 1 reverse gear ratio. A synchromesh shifting mechanism shall be provided for each forward gear ratio except for the highest ratio; i.e., "first gear" or "low gear." (Synchromesh may be specified for "first" or "reverse" gears at the purchaser's option.)

2) An automatic transmission may be specified by the purchaser. Such transmission shall provide not less than 3 forward gear ratios and 1 reverse gear ratio.

t) Undercoating. The entire underside of front fenders or wheel wells shall be coated with a fire-resistant undercoating material in order to seal joints and to reduce corrosion and noise. Nonmetallic components need not be coated.

u) Weight/Power Limitation. The ratio of the bus gross vehicle weight rating (GVWR) to the certified and published maximum net brake power rating of the bus engine shall not exceed 1.8 newtons per watt (300 pounds per horsepower) at the maximum engine speed (rpm) recommended by the engine manufacturer for full power operation in school bus service. NOTE: This weight/power ratio will provide for higher speeds on grades than the 400 lb/hp ratio proposed in the U.S. Government publication "House Document No.

354," August, 1964, (pages 26 & 37) to assure 20 miles per hour while climbing a 3 percent grade. A purchaser who needs a bus with relatively "snappy performance" or a bus capable of maintaining relatively high speeds on relatively steep grades in rural operations should purchase a bus with a lower weight/power ratio commensurate with operating necessities.

v) Wiring. See Section 440.420(rr) of this Part. (Source: Amended at Ill. Reg. , effective )



DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Minimum Safety Standards for Construction of Type II School Buses

2) Code Citation: 92 Ill. Adm. Code 442

3) Section Numbers: Proposed Action:

442.435

Amended

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 95 1/2, par. 12-812.

5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Department proposes to change a manufacturing requirement for diesel powered school buses. The new language requires that any insulated wire, flammable material, brake hose or fuel system component that is located within 4 inches (101.6 mm) of an exhaust system component be shielded. Prior to this rulemaking, shielding was required if the above-mentioned components were located within 11.8 inches (300 mm) of any exhaust system component.

This amendment was initiated by the Department after industry advised the Department that diesel fuel should not be regulated the same as other fuels. Since diesel fuel is classified as a combustible rather than a flammable fuel, the 12 inch distance requirement for shielding currently in the rule is excessive. The Department agreed to change the requirement. In addition, changes were made to correct a few technical mistakes make the last time this Part was amended.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This would affect any unit of local government that owns or operates school buses.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

By U.S. Mail:

Mr. Bill Nonneman  
Regulations Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
P. O. Box 19212  
Springfield, Illinois 62974-9212  
(217) 785-3064

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety; 3rd Floor  
Springfield

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This Part affects small businesses that own, operate or manufacture school buses.
- B) Reporting, bookkeeping or other procedures required for compliance: No new or additional reporting requirements are required for compliance with this Part.
- C) Types of professional skills necessary for compliance: No new or additional professional skills are required for compliance with this Part.

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)PART 442  
MINIMUM SAFETY STANDARDS FOR CONSTRUCTION  
OF TYPE II SCHOOL BUSES

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June 15, 1976)(Repealed)

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AUTHORITY: Implementing Article VIII and authorized by Section 12-812 of the  
Illinois Vehicle Code (Ill. Rev. Stat. 199189, ch. 95 1/2, pars. 12-800  
through 12-820).



SOURCE: Adopted at 2 Ill Reg. 45, p.115, effective November 10, 1978; codified at 8 Ill. Reg. 15002; amended at 8 Ill. Reg. 15505, effective August 10, 1984; amended 12 Ill. Reg. 4220, effective February 9, 1988; amended at 16 Ill. Reg. 1685, effective January 14, 1992; amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_.

NOTE: Capitalization denotes statutory language.

Section 442.435 Exhaust System and Muffler

- a) The exhaust pipe, muffler, and tail pipe shall be outside the bus body and attached to the chassis.
- b) The exhaust system shall be insulated from the fuel tank and tank connections by a securely attached metal shield at any point where it is 12 inches or less (four inches or less if diesel powered engine) from the tank or tank connections.
- c) No part of the exhaust system shall pass within 12 inches (four inches if diesel powered engine) of any flexible brake line or hose unless shielded.
- d) The tail pipe shall be extended, if necessary, to exit the exhaust gases either to the right or left side, behind the rear wheel well, or at the rear bumper.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF AGRICULTURE  
NOTICE OF ADOPTED AMENDMENTS

1) **Heading of Part:** Administrative Rules (Formal Administrative Proceedings; Contested Cases; Petitions; Public Disclosure)

2) **Code Citation:** 8 Ill. Adm. Code 1

| Section Numbers: | Adopted Action: |
|------------------|-----------------|
| 1.10             | Amended         |
| 1.15             | Amended         |
| 1.20             | Amended         |
| 1.22             | Adopted         |
| 1.25             | Amended         |
| 1.40             | Amended         |
| 1.42             | Adopted         |
| 1.44             | Adopted         |
| 1.45             | Amended         |
| 1.50             | Amended         |
| 1.55             | Amended         |
| 1.60             | Amended         |
| 1.65             | Amended         |
| 1.75             | Amended         |
| 1.77             | Adopted         |
| 1.80             | Amended         |
| 1.85, 1.90       | Amended         |
| 1.95             | Amended         |
| 1.112            | Adopted         |
| 1.114            | Adopted         |
| 1.116            | Adopted         |
| 1.118            | Adopted         |
| 1.120            | Adopted         |
| 1.122            | Adopted         |
| 1.124            | Adopted         |
| 1.126            | Adopted         |
| 1.128            | Adopted         |
| 1.225            | Amended         |
| 1.240            | Amended         |
| 1.265            | Amended         |
| 1.270            | Amended         |
| 1.275            | Amended         |
| 1.280            | Amended         |
| 1.285            | Amended         |
| 1.295            | Amended         |
| 1.300            | Amended         |
| 1.305            | Amended         |
| 1.310            | Repealed        |
| 1.315            | Repealed        |
| 1.320            | Repealed        |
| 1.325            | Repealed        |
| 1.330            | Repealed        |



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- 1.335 Repealed
- 1.340 Repealed
- 1.345 Repealed
- 1.350 Repealed
- 1.400 Repealed
- 1.410 Repealed
- 1.415 Repealed
- 1.420 Repealed
- 1.425 Repealed
- 1.435 Repealed
- 1.445 Repealed
- 1.500 Amended
- Illustration A Amended
- Illustration B Amended

4) Statutory Authority: Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-10, 1005-145, 1010-5, 1010-10, 1010-15, 1010-20, 1010-25, 1010-30, 1010-35, 1010-40, 1010-50, 1010-60, as amended by P.A. 87-823, effective July 1, 1992)

5) Effective Date of amendments: October 5, 1992

6) Does this rulemaking contain an automatic repeal date? No

7) Does this proposed amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: September 25, 1992

9) Notices of Proposal Published in Illinois Register:  
June 12, 1992, 16 Ill. Reg. 8631

10) Has JCAR issued a Statement of Objections to these rules?  
No

11) Differences between proposal and final version:  
None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment in effect? No

14) Are there any amendments pending on this Part? No

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of amendments:  
This rulemaking amends rules which pertain to formal administrative proceedings such as contested cases, as well as to petitions, declaratory rulings, and availability for public disclosure of Department files.

In accordance with P.A. 87-823, the qualifications and authority of the Department's administrative law judges are established.

The entire formal administrative proceeding process has been clarified. Conferences, discovery procedures, and a new section pertaining to decision and orders have been added. Those sections which pertain to reconsideration or stay of an administrative action have been added to the formal administrative proceedings Subpart.

The rules on Declaratory Rulings have been deleted since the agency has never had any requests for such rulings.

16) Information and questions regarding this adopted amendment,

shall be directed to:

Name: Barbara McGuire  
Address: Illinois Department of Agriculture  
State Fairgrounds, Springfield,  
Illinois 62794-9281  
Telephone: 217/782-8362

The full text of Adopted Amendments begins on the next page:



## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 8: AGRICULTURE AND ANIMALS

## CHAPTER I: DEPARTMENT OF AGRICULTURE

## SUBCHAPTER a: GENERAL RULES

## PART 1

## ADMINISTRATIVE RULES

## (FORMAL ADMINISTRATIVE PROCEEDINGS;

## CONTESTED CASES; PETITIONS; DECLARATORY RULINGS;

## PUBLIC DISCLOSURE)

## SUBPART A: DEFINITIONS

## Section

## 1.10 Definitions

## SUBPART B: FORMAL ADMINISTRATIVE PROCEEDINGS

## Section

1.15 Nature of Formal Administrative Proceedings; Contested Cases; Licensing

1.20 Initiation of Formal Administrative Proceedings

1.22 Qualifications and Authority of the Department's Administrative Law Judges

1.25 Record of Formal Administrative Proceedings

1.30 Time Limit That Record of Proceeding Remains Open (Repealed)

1.35 Rules of Practice in Formal Administrative Hearings, Contested Cases and Licensing Proceedings (Repealed)

1.40 Formal Administrative Proceedings: Communications

1.42 Conferences

1.44 Discovery

1.45 Notice of Formal Administrative Proceedings: Time and Place

1.50 Formal Administrative Proceedings: Complainants, Petitioners, and Respondents

1.55 Formal Administrative Proceedings: Appearances

1.60 Representation by Attorney

Initiation of Complaints: Formal Complaints and Petitions and Informal

1.65 Motions

1.70 Documents Filed in a Formal Administrative Proceeding: Format

1.75 Procedures for Conducting Administrative Hearing: Rules of Evidence; Corrections to Transcript of Record; Appointment of Hearing Examiner

1.77 Decision and Order

1.80 Subpoenas

1.85 Witnesses

1.90 Continuances of Proceeding

1.95 Submitting Petition for Reconsideration or Stay of

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

## Administrative Action

## Department Official Custodian of Documents

## Computing Time Limits

## Protection of Person's Rights

## Petition for Reconsideration or Stay of Administrative Action: Initiated by Department

## Petition for Reconsideration or Stay of Administrative Action: Initiated by Affected Party; Time Limit

## Petition for Reconsideration: Format and Content

## Petition for Stay of Administrative Action: Format and Content

## Petition for Reconsideration: Based Upon Administrative Record

## Petition for Reconsideration or Stay of Administrative Action: Signing Petition, Legality, Date Considered Submitted, Computing Time Limits, and Receipt for Such Document

## Petition for Reconsideration or Stay of Administrative Action: Director's Decision; Time Limit

## Petition for Reconsideration: Criteria for Granting

## Petition for Stay or Delay of Administrative Action: Criteria for Granting Petition

## SUBPART C: PETITIONS

## Section

## 1.200 Petitions: Format

## 1.205 Petitions: Signature and Content

## 1.210 Petitions: Filing with Director

## 1.215 Petitions: Information - Full Content

## 1.220 Petitions: Denial

## 1.225 Petitions: Written Comments on Petition Filed with Director

## 1.230 Petitions: Amending, Supplementing or Withdrawing

## 1.235 Petitions: Legality

## 1.240 Petitions: Considered Submitted

## 1.245 Computing Time Limits

## 1.250 Receipt for Documents

## 1.255 Petitions: Director's Review and Ruling

## 1.260 Petitions: Proceedings in Reviewing

## 1.265 Petitions: Agency's Responses; Time Limit

## 1.270 Public Hearing on Petition: Who May Testify

## 1.275 Public Hearing on Petition: Procedure for Conducting the Hearing

## 1.280 Public Hearing on Petition: Registration of Witnesses

## 1.285 Person Representing Organization, Association or Another Person

## 1.290 Alternative Proposals

## 1.295 Decision Based Upon Record

## 1.300 Decision on Petition: Time Limit



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- 1.305 Petitioner's Rights to a Private Meeting
- 1.310 Petition for Reconsideration or Stay of Administrative Action: Initiated by Department or Departmental Advisory Board (Repealed)
- 1.315 Petition for Reconsideration or Stay of Administrative Action: Initiated by Interested Person; Time Limit (Repealed)
- 1.320 Petition for Reconsideration: Format and Content (Repealed)
- 1.325 Petition for Stay of Administrative Action: Format and Content (Repealed)
- 1.330 Petition for Reconsideration: Based Upon Administrative Record (Repealed)
- 1.335 Petition for Reconsideration or Stay of Administrative Action: Signing Petition, Legality, Date Considered Submitted, Computing Time Limits, and Receipt for Such Document (Repealed)
- 1.340 Petition for Reconsideration or Stay of Administrative Action: Director's Decision: Time Limit (Repealed)
- 1.345 Petition for Reconsideration: Criteria for Granting Petition (Repealed)
- 1.350 Petition for Stay or Delay of Administrative Action: Criteria for Granting Petition (Repealed)

## SUBPART D: DECLARATORY RULINGS

- Section
- 1.400 Declaratory Rulings: Advisory Opinion (Repealed)
- 1.405 Request for An Advisory Opinion (Repealed)
- 1.410 Request for An Advisory Opinion; Format and Content, Date Considered Received, and Receipt (Repealed)
- 1.415 Agency's Response; Time Limit (Repealed)
- 1.420 Criteria for Denying Request for An Advisory Opinion (Repealed)
- 1.425 Formal Position of The Department (Repealed)
- 1.430 Amending or Revoking an Advisory Opinion (Repealed)
- 1.435 Use of Advisory Opinion in Administrative Proceedings (Repealed)
- 1.440 Action Taken In Conformity with An Advisory Opinion; Acceptability By Department (Repealed)
- 1.445 Advice by Employee of Department; Informal Communication (Repealed)

## SUBPART E: AVAILABILITY FOR PUBLIC DISCLOSURE OF DEPARTMENT OF AGRICULTURE FILES

- Section
- 1.500 Availability of Information Contained in Department Records for Inspection and/or Copying; Procedure to be Followed
- 1.505 Request for Access to Confidential File (Repealed)

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## NOTICE OF ADOPTED AMENDMENTS

- ILLUSTRATION A Petition
- ILLUSTRATION B Petition For Reconsideration

AUTHORITY: Implementing and authorized by Sections 5-10, 5-145, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-40, 10-50, and 10-60 4-8 and 9 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991 1987, ch. 127, pars. 1005-10, 1005-145, 1010-5, 1010-10, 1010-15, 1010-20, 1010-25, 1010-30, 1010-35, 1010-40, 1010-50, and 1010-60) 1004, 1008 and 1009 and The Freedom of Information Act (Ill. Rev. Stat. 1991 1987, ch. 116, par. 201 et seq.).

SOURCE: Rules and Regulations Relating to The Administrative Procedure Act, filed December 30, 1977, effective January 15, 1978; 3 Ill. Reg. 48, p. 160, effective November 20, 1979; codified at 5 Ill. Reg. 10429; amended at 6 Ill. Reg. 14981, effective November 24, 1982; amended at 9 Ill. Reg. 1313, effective January 23, 1985; amended at 12 Ill. Reg. 11439, effective June 22, 1988; amended at 16 Ill. Reg. 15850, effective October 5, 1992.

## SUBPART A: DEFINITIONS

## Section 1.10 Definitions

- a) In addition to the definitions set forth in Sections 1-10 through 1-85 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001-10 through 1001-85) ~~As used in these rules the following terms shall have the meanings specified:~~

"Administrative action" includes every form and kind of act, including the refusal or failure to act, involved in the implementation of the laws administered by the Department of Agriculture.

"Administrative file" means a file maintained by the Illinois Department of Agriculture in which all documents pertaining to an administrative proceeding or action, ~~including internal working memoranda and recommendations,~~ are retained.

"Administrative proceeding" means any undertaking to issue, amend, or revoke a regulation or order or to take or refrain from taking any other form of administrative action. A public hearing conducted by or before a departmental advisory board or a statutorily established advisory board will be considered an administrative proceeding of the Department.



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"Department" or "Department of Agriculture" means the Department of Agriculture of the State of Illinois.

"Department advisory board" or "department advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee ~~subcommittee~~ or other subgroup ~~sub-group~~ thereof that is not composed wholly of full-time officers or employees of the Illinois Department of Agriculture and is established or utilized by the Department of Agriculture to obtain advice or recommendations.

"Director" means the Director of the Illinois Department of Agriculture.

~~"Division" means the Division of Administrative Services or the Division of Plant Industry and Consumer Services or the Division of Marketing or the Division of Animal Industries or the Division of Fairs and Horse Racing or the Division of Natural Resources.~~

"Formal administrative proceeding" means an adjudicatory administrative procedure conducted by the Department in accordance with the authority of a law specific-enabling Act administered by the Department, and/or the Illinois Administrative Procedure Act, and Subpart B of this Part in which the individual legal rights, duties or privileges of a party are required by law to be determined by an agency and which places specific requirements (such as, time deadlines and content of administrative record, etc.) on the Department and/or on an individual.

"Laws administered by the Department of Agriculture" means all the statutory provisions with respect to which authority has been delegated to the Illinois Department of Agriculture. Laws administered by the Department of Agriculture are listed in 2 Ill. Adm. Code 700.

"Meeting" means any oral discussion between two or more persons.

~~"Order" means any final agency disposition, other than the issuance of a regulation, in a proceeding concerning any matter under the administrative jurisdiction of the Department of Agriculture.~~

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"Petition" means any petition or other document requesting the Director to establish, amend or revoke a regulation or order or to take or refrain from taking any other form of administrative action under the laws administered by the Department of Agriculture. Illustration A of this Part sets forth the form and information for a petition. In order for any other document to be accepted as a petition, it must contain language stating it is a petition and information necessary for the Department to make a determination on the requested action. Requests, suggestions and recommendations made informally in routine correspondence received by the Illinois Department of Agriculture do not constitute a petition.

~~"Regulation" or "Rule" means any agency regulation or rule of general or particular applicability and future effect implementing or applying any law administered by the Department of Agriculture or relating to administrative practices and procedures. A listing of rules promulgated by the Department and the rulemaking procedure can be found in 2 Ill. Adm. Code 700.~~

"Statutory advisory board" or "statutory advisory committee" means any committee, board, commission, council, panel, conference, task force, or other similar group, or any subcommittee or other subgroup thereof, that is statutorily established and whose powers and duties or purposes are statutorily set.

~~"Superintendent" means the Superintendent of the Division of Administrative Services or the Superintendent of the Division of Plant Industry and Consumer Services or the Superintendent of the Division of Marketing or the Superintendent of the Division of Animal Industries or the Superintendent of the Division of Fairs and Horse Racing or the Superintendent of the Division of Natural Resources of the Department of Agriculture.~~

- b) Words in the singular form shall be deemed to include the plural, words in the masculine form shall be deemed to include the feminine form, and vice versa, as the case may require.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992)

SUBPART B: FORMAL ADMINISTRATIVE PROCEEDINGS



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**Section 1.15 Nature of Formal Administrative Proceedings; Contested Cases; Licensing**

8 Ill. Adm. Code 1; Subpart B governs practices and procedures applicable to formal administrative proceedings conducted by the Department of Agriculture in hearing contested cases under the laws administered by the Department. "Where the Act creating or conferring power on an agency establishes administrative procedures not covered by this Act, such procedures shall remain in effect" (Section 1-5 2 of the Illinois Administrative Procedure Act). Procedures governing contested cases or licensing shall be those established by the Illinois Administrative Procedure Act and in Subpart B of this Part; "If, however, if an agency has existing procedures on July 1, 1977, specifically for contested cases or licensing, those existing provisions control" (quoted from Section 1-5 2 of the Illinois Administrative Procedure Act).

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992)

**Section 1.20 Initiation of Formal Administrative Proceedings**

a) A formal administrative proceeding to hear contested cases under the laws administered by the Department of Agriculture shall may be initiated by the Department in accordance with Section 1.60 of this Part. in any of the following ways:

- a) ~~Any person may petition the Director to issue, amend or revoke a rule or regulation or order or to take or refrain from taking any other form of administrative action.~~
- b) ~~The Director or his duly authorized agent may on his own initiative institute a proceeding to issue, amend or revoke a rule or regulation or order or to take or refrain from taking any other form of administrative action.~~
- c) ~~A departmental advisory board or committee or a statutorily established advisory board or committee may request the Director to issue, amend or revoke a rule or regulation or order or to take or refrain from taking any other form of administrative action.~~

b) The Director of the Department shall designate an administrative law judge.

c) The respondent may file an affidavit setting forth specific allegations of personal bias, prejudice or disqualification of a presiding administrative law judge. Such affidavit

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shall be filed, if at all, prior to the start of a contested case hearing.

d) The Director, on his or her own motion or upon petition of the respondent, shall disqualify the administrative law judge when the Director finds the administrative law judge has direct involvement in the case.

e) An administrative law judge may, at any time, voluntarily disqualify himself or herself.

f) When an administrative law judge is disqualified, the Director shall appoint another administrative law judge.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992)

**Section 1.22 Qualifications and Authority of the Department's Administrative Law Judges**

a) Appointment and qualifications of the administrative law judges: In accordance with Section 10-20 of the Illinois Administrative Procedure Act, the following persons are authorized to act as administrative law judges:

- 1) the Director;
- 2) the Director may appoint an attorney licensed to practice law in Illinois; or
- 3) the Director may appoint a person as an administrative law judge who is not licensed to practice law in Illinois, provided such person meets the following minimum qualifications:
  - A) The person has at least two years of experience in administrative law.
  - B) The person has knowledge of evidentiary procedures and of the procedures for formal administrative proceedings.
  - C) The person has knowledge of the laws, rules and regulations applicable to the Department.
  - D) The person has the ability to prepare complex and technical legal documents.
  - E) The person has the ability and skill to analyze



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and appraise facts, evidence, legal and administrative documents, records, and audits in order to obtain a clear mental picture of the issues involved.

- b) Authority of the Department's administrative law judge: The administrative law judge shall have the authority to conduct a contested case hearing, to take all necessary action to avoid delay, to maintain order, and to ensure development of a clear and complete record. The administrative law judge shall have all powers necessary to these ends, including but not limited to the power to:

- 1) rule upon offers of proof and receive evidence and rule upon objections to the introduction of evidence;
- 2) regulate the course of the hearings and conduct of the parties and their counsel therein;
- 3) examine witnesses, take depositions, and issue subpoenas that require attendance, the giving of testimony and the production of books, papers and other documentary evidence necessary for resolution of the matter;
- 4) make findings of fact and conclusions of law and issue an order of the Department; and
- 5) direct parties to appear and confer for the settlement or simplification of the issues, or any other purpose pertinent to the formal administrative proceeding.

(Source: Added at 16 Ill. Reg. 15850, effective October 5, 1992)

## Section 1.25 Record of Formal Administrative Proceeding

The record of a formal administrative proceeding shall include consist of the following:

- a) Any petition that has been filed with the Director and if it pertains to a petition, all submitted data and information on which it relies.
- b) All pleadings (including all notices and responses thereto), motions and rulings. All written comments received on the petition or on the Department's proposal shall include all data or information submitted.

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- c) A statement of matters officially noticed. If the proceeding concerned a proposal to issue, amend or revoke a rule or regulation, a copy of the current regulation and the proposed change of the new rule or regulation.
- d) The transcript of the hearing, if any, discovery documentation, if any, and evidence received, if any. ~~meeting and any documents introduced as evidence.~~
- e) The memorandum of the administrative law judge that states the action taken at conference(s), if held, and notes of ex parte communication, if any, in accordance with Section 10-60 of the Illinois Administrative Procedure Act.
- f) The Director's or administrative law judge's hearing examiner's decision or order on such petition, proposal or administrative action.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992)

## Section 1.40 Formal Administrative Proceeding: Communications

- a) All communications to the Department concerning formal administrative proceedings shall be addressed to the Director or administrative law judge hearing examiner, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281 62706, unless otherwise instructed.
- b) A copy of the formal complaint shall either be served personally or shall be served by registered or certified mail on the respondent or his or her authorized agent. Proof of service of the complaint shall be made by affidavit of the person making personal service, or by the registered or certified mail receipt.

- c) Any pleadings, motions, orders, and conference or discovery notices, after issuance of the complaint, shall be served personally or by First Class United States Mail, and copies thereof shall be filed with the administrative law judge.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992)

## Section 1.42 Conferences

- a) The respondent or the respondent's attorney may request verbally or in writing a conference with the Department and its administrative law judge at any time prior to or during



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the course of a hearing. The administrative law judge shall direct the parties or their attorneys to appear at a specific time and place for a conference when it appears that one or more of the following may be accomplished:

- 1) the simplification of issues;
- 2) the necessity or desirability of amending the pleadings for the purposes of clarification, amplification or limitation;
- 3) the possibility of making admissions of certain facts or stipulations concerning the use of either or both parties of matters of public record to avoid unnecessary introduction of proof;
- 4) the limitation of the number of witnesses;
- 5) the propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits; and
- 6) such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

- b) Action taken at a conference shall be recorded in a memorandum prepared and certified by the administrative law judge.

(Source: Added at 16 Ill. Reg. 15850, effective October 5, 1992)

## Section 1.44 Discovery

- a) Upon written request of any party, the following discovery procedures shall be ordered by the administrative law judge when necessary to expedite the proceedings, to ensure a clear or concise record, to ensure a fair opportunity to prepare for the hearing, or to avoid surprise at the hearing:

- 1) production or inspection of documents, books, and records pertinent to the case;
- 2) depositions;
- 3) interrogatories.

- b) The administrative law judge shall restrict such discovery when necessary to prevent undue delay or harassment.

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- c) The administrative law judge shall order, upon written request of any affected party, a list of persons who may have knowledge of facts concerning the subjects of inquiry at the hearing.

- d) Any person, including a party who is deposed, interrogated or required to submit documents under this Section, may be examined regarding any matter, not privileged, which is relevant to the subject matter of the formal administrative proceeding, or which may lead to the discovery of such relevant information.

- e) All depositions and interrogatories may be used as the admission of the deposed or interrogated party. Upon application to the administrative law judge, either before or after the taking of such deposition or interrogation and upon a showing that at the time of the hearing, the party deposed or interrogated will not be available to participate in the hearing because of death, age, sickness, infirmity, absence from the country or other exceptional circumstances, the administrative law judge shall order that the deposition or interrogatories be used as evidence in the hearing.

(Source: Added at 16 Ill. Reg. 15850, effective October 5, 1992)

## Section 1.45 Notice of Formal Administrative Proceedings: Time and Place

- a) The Director or the administrative law judge ~~daily appointed hearing examiner~~ shall set the date, specify the time, and place of all formal administrative proceedings.

- b) The formal administrative proceeding shall be held in the offices of the Department in Springfield, Illinois, or in such other place as the Director or administrative law judge shall for stated cause designate (e.g., respondent unable to travel because of age or infirmity).

- c) The Department shall give written notice to affected parties not later than 10 days prior to the date on which the formal administrative proceeding is scheduled, unless the specific statute or rules under which the alleged violation occurred state otherwise.

- d) Failure to comply with the provisions of this Subpart may not be used as a defense to an enforcement action, but any person adversely affected by such failure of compliance may



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have the hearing postponed upon motion to the administrative law judge.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992)

### Section 1.50 Formal Administrative Proceeding: Complainants, Petitioners, and Respondents

a) When initiating a complaint, the Department shall be designated the complainant. Any adverse party shall be designated as the respondent. The parties to proceedings before the Department are the complainants and the respondents. The Department shall be deemed a complainant in any proceedings initiated on its own motion. The respondents are parties against whom a complaint or petition is filed or to whom a Formal Complaint is directed.

b) Any person who has been affected by an adverse decision of the Department may file a petition with the Director. Such person shall be designated the petitioner, and the Department shall be designated the respondent.

c) Misnomer of a party is not grounds for dismissal, but the name of any party may be corrected at any time.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992)

### Section 1.55 Formal Administrative Proceeding: Appearances Representation by Attorney

a) Any person may appear in a formal administrative proceeding as follows: party to the proceeding may appear and be represented by an attorney at law authorized to practice in the State of Illinois. A natural person may appear and be heard on his or her own behalf. A corporation or association shall appear and be represented by an attorney authorized to practice in the State of Illinois. Only persons admitted by the Supreme Court of this State to practice as attorneys and counselors at law shall represent others in proceedings before this Department. All persons appearing in proceedings before the Department shall conduct themselves in a respectful manner. If a person uses abusive language or conducts himself in an abusive manner, the hearing examiner will warn the person to cease such abuse. If the person continues such action, he will be removed from the proceeding.

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1) A natural person may appear in his or her own behalf or be represented by an attorney at law who is licensed to practice law in the State of Illinois, or both. Any attorney or counselor at law from any other jurisdiction in the United States or foreign country, who is admitted to practice in that jurisdiction, may participate in a formal administrative proceeding.

2) A business, nonprofit or government organization may appear by any bonafide officer, employee or representative, or may be represented by an attorney licensed to practice law in the State of Illinois or both. Any attorney or counselor at law from any other jurisdiction in the United States or foreign country, who is admitted to practice in that jurisdiction, may participate in a formal administrative proceeding.

b) An attorney appearing in a representative capacity shall file a written notice of appearance with the Department, together with proof of service on all parties or their respective attorneys.

c) Each party to a proceeding who appears before the Department, either in person or by counsel, shall inform the Department in writing or upon the record of the address at which any notice or other document may be served upon him or her in such proceeding.

d) All persons appearing in a formal administrative proceeding before the Department shall conduct themselves in a respectful manner. If any person uses abusive language or conducts himself or herself in an abusive manner, the administrative law judge shall warn the person to cease such abuse. If the person continues such action, such person shall be removed from the proceedings. Removal of such party from the proceedings shall not be grounds for dismissal of the case.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992)

### Section 1.60 Initiation of Complaints: Formal Complaints and Petitions and Informal

a) Complaints may be initiated by the Department and shall be in the form of a formal complaint may be formal or informal.

1) "Informal complaints" may be instituted in writing or



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verbally. Such complaints will not be docketed, will not initiate a proceeding, and will not arrest the running of any limitation period. Matters informally presented will be taken up by the Director or other duly authorized person, by correspondence or conference with the person or corporation or other legal entity complained of in an endeavor to bring about a correction of the alleged violation. The method the Director uses to respond to the complaint will depend on the nature of the complaint. The presentation of an informal complaint shall be without prejudice to the right to file a formal "Notice to Show Cause."

12) A formal complaint shall: "Formal Complaint" shall also be known as a "Notice to Show Cause."

A) The Formal Complaint shall be in writing and shall be addressed to the person alleged to be in violation of the statute or rules directed to show cause or complained against.

B) The Formal Complaint shall serve as notice and shall contain the following include:

i) a statement of the date, time, place and nature of the hearing;

ii) a statement of the legal authority and jurisdiction under which the hearing is to be held and the official file number;

iii) a reference to the particular Section(s) of the statute(s) and rule(s) of which the respondent is alleged to be in violation; involved, and, except for a more detailed statement if otherwise provided for by law, a short and plain statement of the matters asserted.

iv) a statement of when and where the alleged violation(s) occurred;

v) a short and plain statement of facts that the alleged violation(s) occurred;

vi) a statement indicating all possible consequences that the complainant seeks if the allegations in the complaint are proven; and

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vii) the names and addresses of the administrative law judge, all affected parties, and all other persons to whom the Department gives notice of the contested case hearing.

C) The Formal Complaint shall be served in the manner as prescribed in the specific enabling Act or as set forth in Section 1.40 of this Part. If the specific enabling statute does not so provide then the Formal Complaint shall be served personally, or by certified or registered mail. Said Formal Complaint shall be served upon the parties or their agents appointed to receive service of process. In the case of a corporation or other legal entity, the complaint shall be served upon an officer thereof. The Formal Complaint shall be served at least ten (10) days before any hearing, unless a statute specifically provides otherwise.

23) A respondent may file with the Department a written answer to a formal complaint Formal Complaint. The answer must be filed, if at all, at least 48 hours prior to the date of hearing. The answer shall contain an explicit admission or denial of each allegation of the pleading to which they relate and a concise statement of the nature of the defense. If a solution or timetable for compliance is mutually agreed to, the Department shall immediately notify the respondent of the cancellation of the hearing.

34) Relevant amendments to pleadings shall be allowed upon proper motion at any time during the pendency of the proceeding.

45) All formal complaints Formal Complaints, answers or other pleadings shall be liberally construed with a view toward doing substantial justice between the parties.

b) Complaints may be initiated by persons affected by an adverse decision of the Department outside the Department. Informal complaints may be instituted in writing or verbally. Such complaints will not be docketed, will not initiate a formal proceeding, and will not arrest the running of any limitation period. Matters informally presented will be taken up by the Director or other duly authorized person by correspondence or conference with the person complained of in an endeavor to bring about a



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~~correction of the alleged violation. The method the Director uses to respond to the complaint will depend on the nature of the complaint. A person who is affected by an adverse decision of the Department may also initiate a complaint through the petition process in accordance with the provisions of Subpart C of this Part. The form and content of the petition shall be in accordance with Illustration A of the rules of this Part.~~

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992)

## Section 1.65 Motions

a) Motions may be presented requesting a postponement of the hearing; a more sufficient pleading; a bill of particulars; the striking of irrelevant or immaterial matter; the dismissal of the proceedings for want of jurisdiction; the quashing of a subpoena; the postponement of an effective date of an order; the extension of time for compliance with an order; or such other relief or order as may be appropriate.

b) Motions, unless made orally during a hearing, shall be made in writing at least 5 days prior to the date of the hearing or on such other date as the administrative law judge shall designate, shall set forth the relief or order sought, and shall be ruled upon on the day of such hearing, or prior to such hearing after notice to all parties and opportunity to be heard on such motion. ~~The requirement of writing is fulfilled if the motion is stated in a written Notice of the Motion. Motions based on matter which does not appear of record shall be supported by affidavit.~~

c) Motions made orally during the hearing shall be ruled on immediately by the administrative law judge or taken under advisement and ruled upon at a later date.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992)

### Section 1.75 Procedures for Conducting Administrative Hearing: Rules of Evidence; ~~Corrections to Transcript of Record; Appointment of Hearing Examiner~~

a) All hearings conducted in any proceeding ~~proceedings~~ shall be open to the public. Pursuant to authority of a Department the licensing Act or the rules thereof, which are listed in 2 Ill. Adm. Code 700, the Department shall

hold ex parte hearings immediately when there is imminent danger to the public health, safety or welfare.

b) The Director or an administrative law judge a hearing examiner appointed by the Director shall conduct hearings in accordance with the authority set forth in Section 1.22 of this Part. ~~administer oaths, issue subpoenas, take depositions or cause the same to be taken, regulate the course of hearings, hold informal conferences for the settlement, simplification, or definition of issues, dispose of procedural requests, motions, and similar matters, continue the hearing from time to time when necessary, examine witnesses, and rule upon the admissibility of evidence and amendments to pleadings. Continuances and extensions of time shall be granted in accordance with the provisions of 8 Ill. Adm. Code 1.90.~~

c) The Director or the administrative law judge hearing examiner shall direct all parties to enter their appearances on the record.

d) The following shall be the order of all contested case hearings, subject to modification by the administrative law judge for good cause (e.g., bad weather):

1) Presentation, argument and disposition of motions preliminary to a hearing on the merits of the matters raised in the complaint;

2) Presentation of opening statements;

3) Complainant's or petitioner's case in chief;

4) Respondent's case in chief;

5) Complainant's or petitioner's case in rebuttal;

6) Respondent's closing argument;

7) Complainant's or petitioner's closing argument;

8) Presentation and argument of all motions prior to final order.

~~At all hearings the complainant shall open and close.~~

e) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding. Unless precluded by law,



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disposition may be made of any contested case by stipulation, agreed settlement, consent order or default. Failure of a party to appear on the date set for hearing or failure to proceed as ordered by the Department shall constitute a default.

- f) At any stage of the hearing or after all parties have completed the presentation of their evidence, the Department or its administrative law judge hearing examiner may call upon any party or the technical staff of the Department of Agriculture or other Departments of State Government or on the University of Illinois for further evidence or material when necessary for the disposition of the case.

- g) The rules of evidence and privilege as applied in civil cases in the Circuit Courts of this State shall be followed. However, evidence not admissible under such rules of evidence may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Immaterial, irrelevant or unduly repetitious material shall be excluded. All admissible evidence shall be considered in accordance with its relative probative value in formulating the final decision of the Director or administrative law judge hearing examiner and also in formulating the findings of fact and conclusions of law (if any) which support the decision. A copy of the whole or any part of an admissible book, record, paper or memorandum of the Department which is made by photostatic or other method of accurate and permanent reproduction may be admitted in evidence at the hearing without further proof of the accuracy of such copy. When any material or relevant matter offered in evidence by any party is embraced in a book, paper or document containing other matter not material or relevant, the party offering the same shall plainly designate the matter so offered. If, in the judgment of the Director or administrative law judge hearing officer, such immaterial or irrelevant matter would unnecessarily encumber the record, such book, paper or document will not be received in evidence as a whole, but the material or relevant portions thereof, if otherwise admissible, may be read into the record or a true copy thereof supplied in the form of an exhibit.

- h) Rules of evidence, official notice of matters of which Circuit Courts of this State may take judicial notice, and official notice of generally recognized technical or scientific facts within the agency's specialized knowledge

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shall be in accordance with Section 10-40 i2 of the Illinois Administrative Procedure Procedures Act.

- i) The Department shall designate an official reporter to record the proceedings and make and transcribe a stenographic record of the hearings in all proceedings, and no other tape or video camera recordings of the hearings by the respondent or the public shall be permitted will provide for such copies of the transcript as it may require for its own purposes. The Department's record of the proceedings shall be the official transcript. No copies of the transcript will be furnished to parties by the Department but copies may be obtained from the official reporter upon payment to him or her of appropriate charges. Any party may request a copy of the transcript from the official reporter, and such party shall be responsible for all costs associated with the transcription.

- j) The procedures set forth in Section 10-60 of the Illinois Administrative Procedure Act relative to ex parte contacts shall be followed. Any communication made openly or on the record at a scheduled hearing, conference or discovery procedure, regardless of whether all the parties are present, shall be considered as authorized ex parte communication. Suggested corrections to the transcript of record must be offered within ten (10) days after the transcript is filed in the proceedings, unless the Department and all parties mutually agree to the corrections. Suggested corrections shall be served upon or brought to the attention of such party whose appearance is of record or his or her attorney, the official reporter and the hearing examiner. If suggested corrections are not objected to, the hearing examiner will direct the corrections to be made and the manner of making them. In the case of disagreement on suggested corrections, the hearing examiner shall determine the manner in which the record shall be changed on the basis of his written notes of the hearing.

- k) The Director or hearing examiner shall adopt a decision in each case supported by concise findings of fact and appropriate conclusions of law. The decision or order shall be presented and conform with the requirements of Section 14 of the Administrative Procedures Act. A copy of such decision or order shall be provided in accordance with Section 14 of the Administrative Procedures Act. The decision rendered shall be the final administrative decision of the agency, unless a petition for reconsideration or stay is granted (see 8 Ill. Adm. Code



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1-315 through 1-350.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992.)

## Section 1.77 Decision and Order

a) The Director or administrative law judge shall prepare a written order for each contested case. The order shall be supported by concise findings of fact and conclusions of law. The order shall be signed by the Director or administrative law judge.

b) The decision or order shall be presented and conform with the requirements of Section 10-50 of the Illinois Administrative Procedure Act. A copy of such decision or order shall be provided to each party in accordance with Section 10-50 of the Illinois Administrative Procedure Act.

c) Findings of fact and conclusions of law shall be separately stated.

d) Findings of fact shall include specific references to principal supporting items of evidence in the record.

e) The Department's final order may include any or all of the following as authorized by the law or rule under which the contested case was held:

- 1) A direction to cease and desist from violations of the statute, Department's rules or orders;
- 2) Suspension of a license(s) or permit(s);
- 3) Revocation of a license or permit;
- 4) Such other determinations that may be appropriate according to the law administered by the Department or the rules for that law (e.g., payment of monetary penalties).

f) The administrative law judge's order shall be the final administrative decision of the Department, unless the respondent petitions the Director for a stay or reconsideration of the administrative law judge's decision within the time period specified in Section 1.114 of this Part.

g) The Director's decision on a petition for reconsideration

or stay shall be the final decision of the Department. When the Director functions as the administrative law judge in any contested case hearing, the Director's decision shall be the final decision of the Department. The final decision of the Department is subject to Administrative Review (Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 3-101 et seq.)).

(Source: Added at 16 Ill. Reg. 15850, effective October 5, 1992.)

## Section 1.80 Subpoenas

a) Subpoenas requiring that attendance and the giving of testimony by witnesses, and subpoenas duces tecum requiring the production of books, papers, records or memoranda may be issued by the Director or the administrative law judge upon his or her own motion or upon the written request of any party to the proceeding. The Director or the administrative law judge may require the party requesting the issuance of subpoenas to demonstrate the relevancy of the request to the issues in the hearing. For good cause shown, the Director or the administrative law judge may deny or modify the request for subpoenas.

b) Subpoenas issued by the Director or the administrative law judge upon the request of a party to the proceeding shall be delivered to the requesting party who shall be responsible for serving the subpoenas. Subpoenas shall be served personally or by certified mail.

c) The witness fee for attendance and travel shall be the same as the fee of the witnesses before the Circuit Courts of this State. The person who requests that a subpoena be issued shall be responsible for paying any witness fee for attendance and travel to the formal administrative proceeding. When a witness is subpoenaed by the Director or administrative law judge upon his or her own motion or upon the request of the Department, the witness fee shall be paid in the same manner as other expenses of the agency.

Subpoenas for the attendance of witnesses from any place in the State of Illinois or for the production of books, papers, accounts or documents at a hearing in a pending proceeding will be issued by the Department upon its own motion or upon application of any party in writing upon a showing that a subpoena is required to obtain evidence necessary for disposition of the case.



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(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992)

Section 1.85 Witnesses

During the pendency of any proceeding, the Department, its administrative law judge hearing ~~examiner~~, or any party may depose any witness in a manner which conforms to the provisions of the laws of this State.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992)

Section 1.90 Continuances of Proceeding

Continuances and extensions of time for compliance with orders of the Department during the pendency of the proceeding shall be granted by the Director or the administrative law judge hearing ~~examiner~~ if they are not repetitious, do not unnecessarily delay the proceedings, and do not work a hardship on witnesses, unless there is imminent danger to the public health, safety or welfare.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992)

Section 1.95 Submitting Petition for Reconsideration or Stay of Administrative Action

After a decision is rendered by the ~~Director or~~ administrative law judge hearing ~~examiner~~, a person affected by the decision may submit a petition for reconsideration or stay of administrative action as outlined in Sections 1.112 through 1.128 ~~Subpart C~~ of this Part.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992)

Section 1.112 Petition for Reconsideration or Stay of Administrative Action: Initiated by Department

The Director may at any time on his or her own initiative or on the petition for reconsideration or stay of action of the respondent in any contested case reconsider any matter or may at any time stay (including extend) the effective date of any relevant action pending or following a decision on any matter. A petition for reconsideration or stay of administrative action shall be granted in accordance with Sections 1.126 and 1.128 of this Part. The Director shall grant a stay or reconsider a decision on his or her own initiative when justified by additional information or by

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changes in circumstances that would warrant reconsideration or stay.

(Source: Added at 16 Ill. Reg. 15850, effective October 5, 1992)

Section 1.114 Petition for Reconsideration or Stay of Administrative Action: Initiated by Affected Party; Time Limit

The respondent in any contested case may request reconsideration of any part or all of the decision of the administrative law judge on any petition or may request the Director to stay the effective date of any administrative action for a specific period or for an indefinite period. A petition for reconsideration or stay of action shall be submitted within 30 days after the date of the administrative law judge's decision on the case. A petition for reconsideration or stay of action submitted later than 30 days after the date of the decision involved shall be denied as untimely.

(Source: Added at 16 Ill. Reg. 15850, effective October 5, 1992)

Section 1.116 Petition for Reconsideration: Format and Content

A petition for reconsideration shall be in the form and contain the information requested as shown in Illustration B of this Part.

(Source: Added at 16 Ill. Reg. 15850, effective October 5, 1992)

Section 1.118 Petition for Stay of Administrative Action: Format and Content

A petition for stay of administrative action shall be in the form and contain the information stated in Section 1.116 of this Part, except that the title of the document shall be "Petition for Stay of Administrative Action."

(Source: Added at 16 Ill. Reg. 15850, effective October 5, 1992)

Section 1.120 Petition for Reconsideration: Based Upon Administrative Record

A petition for reconsideration shall be based upon the data, information and views contained in the administrative record upon which the administrative law judge made a decision.



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(Source: Added at 16 Ill. Reg. 15850, effective October 5, 1992)

**Section 1.122 Petition for Reconsideration or Stay of Administrative Action: Signing Petition, Legality, Date Considered Submitted, Computing Time Limits, and Receipt for Such Document**

The provisions of Sections 1.205, 1.235, 1.240, 1.245, and 1.250 of Subpart C of this Part shall apply to petitions for reconsideration or stay of administrative action.

(Source: Added at 16 Ill. Reg. 15850, effective October 5, 1992)

**Section 1.124 Petition for Reconsideration or Stay of Administrative Action: Director's Decision; Time Limit**

The Director shall review a petition for reconsideration or stay of administrative action and within 90 days from the date of receipt of such petition notify the petitioner in writing of his or her decision. The Director's decision on the matter which was reconsidered or stayed shall be the final administrative decision of the agency. The Director's decision shall be based on the administrative record and made in accordance with Section 10-50 of the Illinois Administrative Procedure Act.

(Source: Added at 16 Ill. Reg. 15850, effective October 5, 1992)

**Section 1.126 Petition for Reconsideration: Criteria for Granting Petition**

The Director shall grant the petition for reconsideration if he or she determines that all of the following apply:

- The petition demonstrates that relevant data, information or views contained in the administrative record were not previously or not adequately considered by the administrative law judge.
- The petitioner's position is not frivolous and is being pursued in good faith.
- Granting the petition is not outweighed by a preponderance of the evidence.

(Source: Added at 16 Ill. Reg. 15850, effective October 5, 1992)

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**Section 1.128 Petition for Stay or Delay of Administrative Action: Criteria for Granting Petition**

The Director shall grant a stay or delay any administrative action if:

- The Director determines that a stay or delay is in the public interest. A stay would be in the public interest if the decision would be detrimental to the industry, outweighed by public health and safety considerations or if requests from the industry on the whole were received.
- A court orders that the matter be stayed.
- The delay resulting from the stay is not outweighed by other considerations or other public interests.

(Source: Added at 16 Ill. Reg. 15850, effective October 5, 1992)

## SUBPART C: PETITIONS

**Section 1.225 Petitions: Written Comments on Petition Filed with Director**

All written comments, objections, notices, compilations of data and information and any other documents in regard to a petition shall be filed with the Director or with a duly authorized representative of the Department ~~the hearing examiner~~, whichever the case may be.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992)

**Section 1.240 Petitions: Considered Submitted**

Submissions shall be considered as submitted on the date on which they are postmarked or, if delivered in person during regular business hours, on the date on which they are so delivered. All such submissions shall be mailed or delivered in person to the Director or to a duly authorized representative of the Department ~~the hearing examiner (if appointed)~~, Illinois Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281 62706.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992)

**Section 1.265 Petitions: Agency's Responses; Time Limit**



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a) The Director's agency's response shall be furnished to each petitioner in writing within 30 days of the receipt of the petition and shall state the reasons for the action taken. Such response shall either:

- a1) approve the petition, in whole or in part,
- b2) deny the petition,
- c3) provide a tentative response indicating why the agency has been unable to reach a decision on the petition, or
- d4) initiate administrative proceedings in regard to the petition.

b) ~~Upon denial of a petition, the petitioner has the right to petition for stay of action or reconsideration of the decision in accordance with 8 Ill. Adm. Code 1.315 or to a hearing in accordance with the procedures of Subpart B of this Part.~~

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992.)

## Section 1.270 Public Hearing on Petition: Who May Testify

At any public hearing, the petitioner may invite affected persons to attend and testify in regard to the petition. The Department may also invite interested persons to testify or to submit written comments on the petition. Such comments shall be signed by the person making the submission or by an attorney or other authorized representative on the person's behalf.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992.)

## Section 1.275 Public Hearing on Petition: Procedure for Conducting the Hearing

The Director or ~~hearing examiner~~ administrative law judge shall state at the beginning of the hearing the manner in which the hearing will be conducted, time limits for testifying and any other procedures for conducting the hearing. Procedures and time limits vary according to the number of people wishing to testify, the time the hearing starts, weather conditions and other commitments of Department personnel.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992.)

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Section 1.280 Public Hearing on Petition: Registration of Witnesses

Any person requesting time to make an oral presentation on any petition ~~or order of the Department~~ at any public hearing must register prior to the beginning of the hearing. Persons will be called to testify in the order of registration, unless the ~~hearing examiner~~ administrative law judge determines otherwise in accordance with procedures set forth in Section 1.275 of this Part.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992.)

Section 1.285 Person Representing Organization, Association or Another Person

A person may represent an association, organization or other group or an individual who is unable to attend. The Director or ~~hearing examiner~~ administrative law judge shall request such person to present proof indicating he is authorized to represent the association, organization or another individual when not familiar with the person. Acceptable proof means a letter, affidavit or verbal verification from an officer of the organization or person being represented.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992.)

## Section 1.295 Decision Based Upon Record

The Director's ~~or hearing examiner's~~ decision on any petition ~~or order of the Department~~ shall be based upon the administrative record.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992.)

## Section 1.300 Decision on Petition: Time Limit

The Director ~~or hearing examiner~~ shall make a decision within 30 days following a public hearing or meeting on the petition or within 30 days from receipt of the petition, whichever is later. The agency shall notify the petitioner of the Director's ~~or hearing examiner's~~ decision in writing. The Director's decision shall be the final decision of the Department.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992.)



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## Section 1.305 Petitioner's Rights to a Private Meeting

A petitioner has the right to a private meeting or conference with representatives of the Department in regard to a petition on request. The Director shall determine which representatives of the Department shall attend such meeting. The person requesting the meeting may request but not require the attendance of any Department employee. A petitioner may invite other affected persons to participate fully in the meeting or conference without giving prior notice to the Department. Such meeting shall be conducted informally; however, the Department shall record the minutes of the meeting or conference stenographically or by such other means as to adequately insure the preservation of the minutes for the Department's administrative file.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992)

## Section 1.310 Petition for Reconsideration or Stay of Administrative Action: Initiated by Department or Departmental Advisory Board (Repealed)

The Director may at any time on his own initiative or on the petition for reconsideration or stay of action of any person reconsider any matter or may at any time stay (including extend) the effective date of any relevant action pending or following a decision on any matter. A petition for reconsideration or stay of administrative action shall be granted in accordance with 8 Ill. Adm. Code 1-345 and 1-350. The Director will grant a stay or reconsider a decision on his own initiative where justified by additional information or by changes in circumstances that would warrant reconsideration or stay. A departmental advisory board or statutorily established advisory board or committee may upon a majority vote of its members reconsider any matter which was brought before the board.

(Source: Repealed at 16 Ill. Reg. 15850, effective October 5, 1992)

## Section 1.315 Petition for Reconsideration or Stay of Administrative Action: Initiated by Interested Person; Time Limit (Repealed)

Any person affected by the decision may request reconsideration of any part or all of the decision of the Director or hearing examiner on any petition or may request the Director to stay the effective date of any administrative action for a specific period or for an indefinite period. A petition for reconsideration or stay of action shall be submitted within 30 days of the date of the

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decision involved. A petition for reconsideration or stay of action submitted later than 30 days after the date of the decision involved shall be denied as untimely.

(Source: Repealed at 16 Ill. Reg. 15850, effective October 5, 1992)

## Section 1.320 Petition for Reconsideration: Format and Content (Repealed)

A petition for reconsideration shall be in the form and contain the information requested as shown in illustration B.

(Source: Repealed at 16 Ill. Reg. 15850, effective October 5, 1992)

## Section 1.325 Petition for Stay of Administrative Action: Format and Content (Repealed)

A petition for stay of administrative action shall be in the form and contain the information stated in 8 Ill. Adm. Code 1-3207 except that the title of the document shall be "petition for stay of Administrative Action."

(Source: Repealed at 16 Ill. Reg. 15850, effective October 5, 1992)

## Section 1.330 Petition for Reconsideration: Based Upon Administrative Record (Repealed)

A petition for reconsideration shall be based upon the data, information and views contained in the administrative record on which the Director or hearing examiner made a decision. Any person who wishes to rely upon data, information or views not included in the administrative record shall submit it to the Director as a new petition.

(Source: Repealed at 16 Ill. Reg. 15850, effective October 5, 1992)

## Section 1.335 Petition for Reconsideration or Stay of Administrative Action: Signing Petition, Legality, Date Considered Submitted, Computing Time Limits, and Receipt for Such Document (Repealed)

The provisions of Sections 1.205, 1.235, 1.240, 1.245, and 1.250 of Subpart C of these rules shall apply to petitions for reconsideration or stay of administrative action.



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(Source: Repealed at 16 Ill. Reg. 15850, effective October 5, 1992)

### Section 1.340 Petition for Reconsideration or Stay of Administrative Action: Director's Decision; Time Limit (Repealed)

The Director shall review a petition for reconsideration or stay of administrative action and within 30 days from the date of receipt of such petition notify the petitioner in writing of his decision. The Director's decision on the matter which was reconsidered or stayed shall be the final administrative decision of the agency. The Director's decision shall be based on the administrative record and made in accordance with Section 14 of the Illinois Administrative Procedure Act.

(Source: Repealed at 16 Ill. Reg. 15850, effective October 5, 1992)

### Section 1.345 Petition for Reconsideration: Criteria for Granting Petition (Repealed)

The Director shall reconsider any prior decision of the agency if he determines that all of the following apply:

a) The petition demonstrates that relevant data, information or views contained in the administrative record were not previously or not adequately considered by the administrative law judge.

b) The petitioner's position is not frivolous and is being pursued in good faith.

e) Reconsideration is not outweighed by a preponderance of the evidence.

(Source: Repealed at 16 Ill. Reg. 15850, effective October 5, 1992)

### Section 1.350 Petition for Stay or Delay of Administrative Action: Criteria for Granting Petition (Repealed)

The Director shall grant a stay or delay any administrative action if:

a) The Director determines that a stay or delay is in the public interest. A stay would be in the public interest if the decision would be detrimental to the industry, outweighed by public health and safety considerations or if requests from the industry on the whole were received.

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b) A court orders that the matter be stayed.

e) The delay resulting from the stay is not outweighed by other considerations or other public interests.

(Source: Repealed at 16 Ill. Reg. 15850, effective October 5, 1992)

## SUBPART D: DECLARATORY RULINGS

### Section 1.400 Declaratory Rulings: Advisory Opinion (Repealed)

Any person may request an advisory opinion with respect to the specific applicability of a statute, rule or order of the Department.

(Source: Repealed at 16 Ill. Reg. 15850, effective October 5, 1992)

### Section 1.410 Request for An Advisory Opinion; Format and Content, Date Considered Received, and Receipt (Repealed)

A request for an advisory opinion shall be submitted in the form of a petition as outlined in 8 Ill. Adm. Code 1.200, except that the title of the document shall be "Request for An Advisory Opinion." The request for an advisory opinion shall be subject to the provisions of 8 Ill. Adm. Code 1.200, 1.205, 1.210, 1.240, 1.245 and 1.250.

(Source: Repealed at 16 Ill. Reg. 15850, effective October 5, 1992)

### Section 1.415 Agency's Response; Time Limit (Repealed)

The agency's response shall be furnished to the petitioner in writing within 30 days of the receipt of the petition. Time deadlines shall be computed in accordance with 8 Ill. Adm. Code 1.105.

(Source: Repealed at 16 Ill. Reg. 15850, effective October 5, 1992)

### Section 1.420 Criteria for Denying Request for An Advisory Opinion (Repealed)

The request for an advisory opinion shall be denied if:

a) the request contains incomplete information on which to base an opinion, or



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b) ~~the matter is under review by the Department or by a court.~~  
 (Source: Repealed at 16 Ill. Reg. 15850, effective  
 October 5, 1992)

## Section 1.425 Formal Position of The Department (Repealed)

~~An advisory opinion represents the formal position of the Department on the specific matter presented.~~

(Source: Repealed at 16 Ill. Reg. 15850, effective  
 October 5, 1992)

## Section 1.435 Use of Advisory Opinion in Administrative Proceedings (Repealed)

~~An advisory opinion may be used in administrative proceedings only to show good faith reliance and the petitioner may rely on the opinion as long as circumstances and facts remain the same.~~

(Source: Repealed at 16 Ill. Reg. 15850, effective  
 October 5, 1992)

## Section 1.445 Advice by Employee of Department; Informal Communication (Repealed)

~~A statement made or advice provided by an employee of the Department shall constitute an advisory opinion only if it is issued in writing pursuant to this Subpart. A statement or advice given by a Department employee orally or in writing but not pursuant to this Subpart is an informal communication that represents the best judgment of that employee at that time.~~

(Source: Repealed at 16 Ill. Reg. 15850, effective  
 October 5, 1992)

SUBPART E: AVAILABILITY FOR PUBLIC DISCLOSURE OF  
DEPARTMENT OF AGRICULTURE FILES

## Section 1.500 Availability of Information Contained in Department Records for Inspection and/or Copying; Procedure to be Followed

Information contained in public records maintained by the Department of Agriculture shall be available for inspection and/or copying by the public unless exempted from such inspection and/or copying in accordance with the provisions of the Freedom of Information Act (Supp. to Ill. Rev. Stat. 1991-1993, ch. 116, par. 201 et seq.) and the rules adopted pursuant thereto (2 Ill. Adm. Code 701: Subpart B). When a person desires to inspect and/or

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obtain a copy of public records of the Department, the procedure to be followed shall be as set forth in the Freedom of Information Act and the rules adopted pursuant thereto.

(Source: Amended at 16 Ill. Reg. 15850, effective  
 October 5, 1992)

## Section 1. ILLUSTRATION A Petition

(DATE)

Director  
 Department of Agriculture  
 State Fairgrounds  
 Springfield, Illinois 62706

## PETITION

The undersigned submits this petition pursuant to (relevant statutory reference, if known) to request the Director of Agriculture to (amend, issue, or revoke a regulation ~~or order~~ or take or refrain from taking any other form of administrative action).

## A) Action Requested.

1) If the petition requests the Director to issue, amend or revoke a rule or regulation, the exact wording of the proposed regulation or amendment requested.

2) If the petition requests the Director to issue, amend or revoke an order, a copy of the exact wording of and citation to the existing order (if any) and the exact wording requested for the proposed order.

23) If the petition requests the Director to take or refrain from taking any other form of administrative action, the specific action or relief requested.

## B) Statement of Grounds.

(A full statement of the factual and legal grounds upon which the petitioner relies. Such grounds shall include all relevant data, information and views on which the petitioner relies and fiscal implications, if applicable.)

The undersigned certifies that, to the best of such person's knowledge and belief this petition includes all



## DEPARTMENT OF AGRICULTURE

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data, information and views on which the petition relies, and that it includes representative data and information known to the petitioner which are unfavorable to the petition.

Very truly yours,

(Signature)

(Complete Mailing Address)

(Telephone number)

(Source: Amended at 16 Ill. Reg. 15850, effective  
October 5, 1992 )

## Section 1. ILLUSTRATION B Petition For Reconsideration

(DATE)

Director  
Department of Agriculture  
State Fairgrounds  
Springfield, Illinois 62706

PETITION FOR RECONSIDERATION  
DOCKET NO.

The undersigned submits this petition for reconsideration of the decision of the administrative law judge ~~Director of hearing examiner~~.

- A) Decision Involved. (A concise statement of the decision of the administrative law judge ~~Director of hearing examiner~~ which the petitioner wishes to have reconsidered.)
- B) Action Requested. (The decision which the petitioner requests the Director to make upon reconsideration of the matter.)
- C) Statement of Grounds. (A full statement of the factual and legal grounds upon which the petitioner relies. Such grounds shall demonstrate that relevant data, information and views contained in the administrative record were not previously or not adequately considered by the administrative law judge ~~Director of hearing examiner~~.)

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Very truly yours,

(Signature)

(Complete Mailing Address)

(Telephone Number)

(Source: Amended at 16 Ill. Reg. 15850, effective  
October 5, 1992 )



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- 1) Heading of Part: Commercial Feed Act
- 2) Code Citation: 8 Ill. Adm. Code 200
- 3) 

| <u>Section Numbers:</u> | <u>Adopted Action:</u> |
|-------------------------|------------------------|
| 200.10                  | Repealed               |
| 200.15                  | Adopted                |
| 200.20                  | Repealed               |
| 200.25                  | Adopted                |
| 200.30                  | Repealed               |
| 200.35                  | Adopted                |
| 200.40                  | Repealed               |
| 200.45                  | Adopted                |
| 200.50                  | Repealed               |
| 200.55                  | Adopted                |
| 200.60                  | Repealed               |
| 200.65                  | Adopted                |
| 200.70                  | Repealed               |
| 200.75                  | Adopted                |
| 200.85                  | Adopted                |
| 200.90                  | Repealed               |
| 200.95                  | Adopted                |
| 200.100                 | Repealed               |
| 200.110                 | Repealed               |
| 200.120                 | Adopted                |
| 200.130                 | Adopted                |
| 200.140                 | Adopted                |
| 200.150                 | Adopted                |
| 200.160                 | Adopted                |
| 200.170                 | Adopted                |
| 200.200                 | Adopted                |
| 200.210                 | Adopted                |
| 200.220                 | Adopted                |

- 4) Statutory Authority: Sections 2, 3, 4, 5, 6, 7, 8, and 10 of the Illinois Commercial Feed Act of 1961, (Ill. Rev. Stat. 1989, ch. 56 1/2, pars. 66.2, 66.3, 66.4, 66.5, 66.6, 66.7, 66.8, and 66.10, as amended by P.A. 87-664, effective January 1, 1992).
- 5) Effective Date of amendments: September 30, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: September 25, 1992

## DEPARTMENT OF AGRICULTURE

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- 9) Notices of Proposal Published in Illinois Register: June 19, 1992, 16 Ill. Reg. 9169
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments:  
These amendments are intended to implement the amended Illinois Commercial Feed Act of 1961. The amended rules will replace those established prior to the Act being amended. The rules state who must obtain a firm license and identifies exempt buyers. Labeling requirements, conditions that the commercial feed shall meet in order not to be adulterated or misbranded, and inspection fees to be paid are stated in the rules.
- 16) Information and questions regarding these adopted amendments shall be directed to:  
Name: Barbara McGuire  
Address: Illinois Department of Agriculture  
State Fairgrounds, Springfield,  
Illinois 62794-9281  
Telephone: 217/782-8362

The full text of Adopted amendments begins on the next page:



TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER d: FEED

PART 200  
COMMERCIAL FEED ACT

SUBPART A: COMMERCIAL FEED (EXCEPT PET FOOD)

- Section  
200.10 Brand and Product Names (Repealed)  
200.15 Definition of Terms  
200.20 Expression of Guarantees (Repealed)  
200.25 Label Format  
200.30 Definitions, Sampling and Analysis (Repealed)  
200.35 Brand and Product Names  
200.40 Ingredient Statement (Repealed)  
200.45 Expression of Guarantees  
200.50 Labeling (Repealed)  
200.55 Ingredients  
200.60 Minerals (Repealed)  
200.65 Directions for Use and Precautionary Statements  
200.70 Urea (Repealed)  
200.75 Non-Protein Nitrogen  
200.80 Artificial Color (Repealed)  
200.85 Drug and Feed Additives  
200.90 Registration of Commercial Feeds Containing Drugs, Artificial Color, Etc. (Repealed)  
200.95 Adulterants  
200.100 Weed Seeds in Concentrated Commercial Feeding Stuffs (Repealed)  
200.110 Administrative Rules (Repealed)

SUBPART B: PET FOOD

- Section  
200.120 Definitions  
200.130 Label Format and Labeling  
200.140 Brand and Product Names  
200.150 Expression of Guarantees  
200.160 Ingredients  
200.170 Drugs and Pet Food Additive

SUBPART C: GENERAL REQUIREMENTS

- Section  
200.200 Payment of Inspection Fee  
200.210 Firm License  
200.220 Administrative Rules

AUTHORITY: Implementing and authorized by the Illinois Commercial Feed Act of 1961 (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 66.1 et seq.).

SOURCE: Rules and Regulations Relating to the Illinois Commercial Feed Act, filed December 22, 1961, effective January 1, 1962; amended November 25, 1970, effective December 5, 1970; amended March 26, 1976, effective April 5, 1976; codified at 5 Ill. Reg. 10511; amended at 6 Ill. Reg. 14804, effective November 18, 1982; amended at 16 Ill. Reg. 15889, effective September 30, 1992.

SUBPART A: COMMERCIAL FEED (EXCEPT PET FOOD)

Section 200.10 Brand and Product Names (Repealed)

- a) The brand or product name must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A mixture labeled "dairy feed" for example, must be suitable for that purpose.
- b) A name of a non-medicated feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any component of a mixture unless all components are included in the name.
- c) The word "vitamin" or a contraction thereof, or any word suggesting vitamin can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in 8-III-Adm-Code-Section 200.20(c).
- d) The term "mineralized" shall not be used in the name of a feed except "Trace-Mineralized-Salt". When so used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

(Source: Repealed at 16 Ill. Reg. 15889, effective September 30, 1992.)

Section 200.15 Definition of Terms

"AAFCO" means the Association of American Feed Control Officials which is adopted in Section 10 of the Act.

"Act" means the Illinois Commercial Feed Act of 1961 (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 66.1 et seq.).

"Commercial feed" means all materials, including customer formula feeds, which are distributed for use as feed, or labeled with a guaranteed analysis for use as feed, or for mixing in feed for birds or animals other than man (Section 3(d) of the Act).

The following commodities are hereby declared exempt from the definition of commercial feed under the provisions of Section



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3(d) of the Act: hay, straw, stover, silages, cobs, husks, and hulls when unground and when not mixed with other materials (Section 3(d) of the Act).  
Individual chemical compounds and substances are hereby declared exempt from the definition of Commercial Feed under the provision of Section 3(d) of the Act when it has been determined that these products meet the following criteria:

There is an adopted AAPCO definition for the product.  
The product is either GRAS or is not covered by a specific FDA Regulation.

The product is either a natural occurring product of uniform chemical composition or is manufactured to meet the AAPCO definition of the product.

Additives which are intended to impart special desirable characteristics (e.g., cheese flavoring) shall be permitted.

No apparent problems have been noted with the control of this product.

Loose salt is exempt from the definition of commercial feed.

"FDA" means United States Food and Drug Administration.

"GRAS" means generally recognized as safe by the United States Food and Drug Administration.

(Source: Added at 16 Ill. Reg. 15889, effective September 30, 1992)

Section 200.20 Expression of Guarantees (Repealed)

- a) the sliding scale method of expressing guarantees (for example, "protein 15-18%") is prohibited;
- b) drugs in commercial feeds shall be guaranteed in terms of percentage by weight, except that antibiotics may be guaranteed in terms of grams per pound, or grams per ton of feeds, and/or both;
- c) vitamins when quantitatively guaranteed shall be expressed in milligrams per pound of feed, except that Vitamin A, other than precursors of Vitamin A, shall be stated in United States Pharmacopeia units, Vitamin B, in products offered for poultry feeding, in International Chick units; Vitamin B for other uses, in United States Pharmacopeia units; Vitamin B in a Vitamin-B supplement, in International Units per pound of feed;
- d) minerals, except salt (NaCl), when quantitatively guaranteed, shall be stated in terms of percentage of the element.

(Source: Repealed at 16 Ill. Reg. 15889, effective September 30, 1992)

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Section 200.25 Label Format

(a) Commercial feed, other than customer-formula feed, shall be labeled with the information prescribed in this Section on the principal display panel of the product and in the following general format:

1) Net Weight (may be stated in metric units in addition to the required avoirdupois units).

2) Product name and brand name, if any.

3) If a drug is used:

A) The word "medicated" shall appear directly following and below the product name in type size no smaller than one-half the type size of the product name.

B) The purpose of the medication (claim statement).

C) An active drug ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with Section 200.45(d).

4) Directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by Sections 200.65 and 200.75 appear elsewhere on the label.

5) The guaranteed analysis of the commercial feed which shall include the following items, unless exempted in subsection J of this Section, and they shall appear in the order as listed:

A) Minimum percentage of crude protein.

B) Maximum or minimum percentage of equivalent protein from non-protein nitrogen as required in Section 200.45(e).

C) Minimum percentage of crude fat.

D) Maximum percentage of crude fiber.

E) Minerals in commercial feeds shall be listed in the following order:

i) minimum and maximum percentages of calcium,

ii) minimum percentage of phosphorus,

iii) minimum and maximum percentages of salt, and

iv) maximum or minimum percentages of other minerals.

F) Minerals in feed ingredients shall be those as specified by the official definitions of the Association of American Feed Control Officials which is adopted in Section 10 of the Act.

G) Vitamins in such terms as specified in Section 200.45(c).

H) Total percentages of sugars as invert on dried molasses products or products being sold primarily for their sugar content.

I) Viable lactic acid producing microorganisms for use in silages in terms specified in Section 200.45(g).

J) Exemptions:

i) A mineral guarantee is not required when the feed or feed ingredient is not represented as or does not serve as a principal source of that mineral to the animal or where the commercial feed contains less than a total of 6.5% calcium, phosphorous or salt.



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- ii) Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.
- iii) Guarantees for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances relating to the primary purpose of the product, e.g. such as drug premixes, mineral or vitamin supplements, and molasses.
- iv) Guarantees for microorganisms are not required when the commercial feed is intended for a purpose other than to furnish these substances relating to the primary purpose of the product, and no specific label claims are made.

- 6) Feed ingredients or collective terms for the grouping of feed ingredients as required by Section 5(a)(4) of the Act.

A) The common or usual name of each ingredient as defined in the Official Publication of the Association of American Feed Control Officials, which is adopted in Section 10 of the Act.

B) Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the Official Publication of the Association of American Feed Control Officials may be used in lieu of the individual ingredients provided that:

- i) when a collective term for a group of ingredients is used on the label, individual ingredients within that group shall not be listed on the label; and
- ii) the manufacturer shall provide the Director, upon request, with a list of individual ingredients, within a defined group, that are or have been used in the commercial feed.

- 7) Name and principal mailing address of the manufacturer or person responsible for distributing the commercial feed. The principal mailing address shall include the city, state, and zip code.

8) The information required by Section 5(a)(1) through (5) of the Act shall appear in its entirety on one side of the label. The information required by Section 5(a)(6) and (7) of the Act shall be displayed in a prominent place on the label but not necessarily on the same side as the information required by Section 5(a)(1) through (5) of the Act. When the information required by Section 5(a)(6) and (7) of the Act is placed on a different side of the label, it must be referenced on the front side with a statement such as "See back of label for directions for use." None of the information required by Section 5 of the Act shall be subordinated or obscured by other statements or designs.

- b) Customer-formula feed shall be accompanied by a label, invoice, delivery ticket, or other shipping document bearing the following

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## information:

- 1) The name and address of the manufacturer.
- 2) The name and address of the purchaser.
- 3) The date of sale or delivery.
- 4) The customer-formula product name and brand name, if any.
- 5) The product name and net weight of each registered commercial feed and each other feed ingredient used in the mixture.
- 6) The directions for use and precautionary statements as required by Sections 200.65 and 200.75.

7) If a product containing a drug is used:

- A) The purpose of the medication (claim statement).
- B) The established name of each active drug ingredient and the level of each drug used in the final mixture expressed in accordance with Section 200.45(d).

(Source: Added at 16 Ill. Reg. 15889, effective September 30, 1992.)

## Section 200.30 Definitions, Sampling and Analysis (Repealed)

The names and definitions for commercial feeds shall be those adopted by the Association of American Feed Control Officials, (adopted by the Department this 1st day of August, 1982), and the methods of sampling and analysis shall be the official methods of the Association of Official Agricultural Chemists adopted by the Department this 1st day of August, 1982; in the case of Carboxo and Brethylthiostreptol (BES), the procedure to be used by the Department for making determinations concerning these chemicals will be the procedure developed by and recommended by the Pfizer Medical Research Laboratories, Groton, Connecticut, (adopted by the Department this 1st day of August, 1982); A copy of this procedure will be on file in the Department as an addendum to the official A.O.A.C. procedure.

(Source: Repealed at 16 Ill. Reg. 15889, effective September 30, 1992.)

## Section 200.35 Brand and Product Names

- a) The brand or product name shall be appropriate for the intended use of the feed and shall not be misleading. If the name indicates the commercial feed is made for a specific use, the character of the feed shall conform therewith. A mixture labeled "Dairy Feed," for example, must be suitable for that purpose.

- b) Commercial, registered brand or trade names are not permitted in guarantees or ingredient listings. Brand or trade names shall only appear in the product name of the feed produced by or for the firm holding the rights to such a name.

- c) The name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and the name shall not be one representing any components of a mixture, unless



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all components are included in the name: provided, that if any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product, the name of that ingredient or combination of ingredients may be used as a part of the brand name or product name if the ingredients or combination of ingredients is quantitatively guaranteed in the guaranteed analysis, and the brand or product name is not otherwise false or misleading.

d) The word "protein" shall not be permitted in the product name of a commercial feed that contains added non-protein nitrogen.

e) When the name carries a percentage value, it shall be understood to signify protein, or equivalent protein content only, or both, even though it may not explicitly modify the percentage with the word "protein"; provided, that other percentage values may be permitted if they are followed by the identifying description. Digital numbers shall not be used in such a manner as to be misleading or confusing to the customer.

f) A single ingredient feed shall have a product name in accordance with the designated definition of the feed ingredient as recognized by the Association of American Feed Control Officials as adopted in Section 10 of the Act.

g) The word "vitamin," or a contraction thereof, or any word suggesting vitamin can be used only in the name of a commercial feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in Section 200.45(c).

h) The term "mineralized" shall not be used in the name of a commercial feed except for "trace mineralized salt". Trace mineralized salt shall contain amounts of trace minerals which are essential for animal nutrition.

i) The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products are derived, unless the meat and meat by-products are from cattle, swine, sheep or goats.

(Source: Added at 16 Ill. Reg. 15889, effective September 30, 1992.)

Section 200.40 Ingredient Statement (Repealed)

- a) Each ingredient--and/or--the--appropriate--collective--term--must--be specifically--named--the--names--and--definitions--adopted--by--the Association of American Feed Control Officials are to be used--as--the common--or--usual--names;
- b) When--water--is--added--in--the--preparation--of--canned--foods--for--animals, water--must--be--listed--as--an--ingredient;
- c) The term--"dehydrated"--may--precede--the--name--of--any--product--that--has been--artificially--dried;
- d) No--reference--to--quantity--or--grade--of--an--ingredient--shall--appear--in--the ingredient--statement--of--a--feed;

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- e) Pursuant to Section 5(a)(4) of the law, alternative listing of ingredients--within--the--following--groups--may--be--shown--on--the registration--only:
  - 1) Corn, hominy feed, wheat, barley, oats and grain sorghums;
  - 2) Cottonseed meal, soybean meal, peanut meal and tinsed oil meal;
  - 3) Beet molasses, corn sugar molasses, citrus molasses and cane molasses;

(Source: Repealed at 16 Ill. Reg. 15889, effective September 30, 1992.)

Section 200.45 Expression of Guarantees

a) The guarantees for crude protein, equivalent protein from non-protein nitrogen, crude fat, crude fiber and mineral guarantees, when required by Section 200.25(a)(5) and subsection (f) of this Section, shall be in terms of percentage.

b) Commercial feeds containing 6.5% or more calcium, phosphorus, sodium and chloride shall include in the guaranteed analysis the minimum and maximum percentages of calcium (Ca), the minimum percentage of phosphorus (P), and if salt is added, the minimum and maximum percentages of salt (NaCl). Minerals, except salt (NaCl), shall be guaranteed in terms of percentage of the elements.

1) When a calcium or salt guarantee is given in the guaranteed analysis, guarantee shall be stated and conform to the following:

- A) When the minimum guarantee is 5.0% or less, the maximum shall not exceed the minimum by more than one percentage point.
- B) When the minimum guarantee is above 5.0%, the maximum shall not exceed the minimum by more than 20% of the minimum and in no case shall the maximum exceed the minimum by more than five percentage points.

2) When required by Section 200.25(a)(1), guarantees for minimum potassium, magnesium, sulfur and maximum fluorine shall be stated in terms of percentage. Other minimum mineral guarantees shall be stated in parts per million (ppm) when the concentration is less than 10,000 ppm and in percentage when the concentration is 10,000 ppm (1%) or greater.

c) Guarantees for minimum vitamin content of commercial feeds shall be listed in the order specified and are stated in milligrams per pound (mg/lb) unless otherwise specified:

- 1) Vitamin A, other than precursors of vitamin A, in International Units per pound.
- 2) Vitamin D-3 in products offered for poultry feeding, in International Chick Units per pound.
- 3) Vitamin D for other uses, in International Units per pound.
- 4) Vitamin E, in International Units per pound.
- 5) Concentrated oils and feed additive premixes containing vitamins A, D or E may, at the option of the distributor, be stated in



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units per gram instead of units per pound.  
 6) Vitamin B-12, in milligrams or micrograms per pound.  
 7) All other vitamin guarantees shall express the vitamin activity in milligrams per pound in terms of the following: menadione; riboflavin; d-pantothenic acid; thiamine; niacin; vitamin B-6; folic acid; choline, biotin, inositol; p-amino benzoic acid; ascorbic acid; and carotene.

d) Guarantees for drugs shall be stated in terms of percent by weight, except:

- 1) Antibiotics, present at less than 2,000 grams per ton (total) of commercial feed, shall be stated in grams per ton.
- 2) Antibiotics, present at 2,000 or more grams per ton (total) of commercial feed, shall be stated in grams per pound.
- 3) Commercial feeds containing growth promotion or feed efficiency levels of antibiotics, which are to be fed continuously as the sole ration, are not required to have quantitative guarantees on the label, except as specifically required in the Federal Food Additive Regulations as adopted in Section 10 of the Act.
- 4) The term "milligrams per pound" may be used for drugs or antibiotics in cases in which a dosage is given in "milligrams" in the feeding directions.

e) Commercial feeds containing any added non-protein nitrogen shall be labeled as follows:

1) For ruminants:

- A) Complete feeds, supplements, and concentrates containing added non-protein nitrogen and containing more than 5% protein from natural sources shall be guaranteed as follows:  
 Crude protein, minimum, (insert number) % (This includes not more than (insert number) % equivalent protein from non-protein nitrogen).
- B) Mixed feed concentrates and supplements containing less than 5% protein from natural sources may be guaranteed as follows:  
 Equivalent Crude Protein from Non-Protein Nitrogen, minimum, (insert number) %

C) Ingredient sources of non-protein nitrogen such as Urea, Diammonium Phosphate, Ammonium Polyphosphate Solution, Ammoniated Rice Hulls, or other basic non-protein nitrogen ingredients defined by the Association of American Feed Control Officials shall be guaranteed as follows:  
 Nitrogen, minimum, (insert number) %  
 Equivalent Crude Protein from Non-Protein Nitrogen, minimum, (insert number) %

2) For non-ruminants:

- A) Complete feeds, supplements and concentrates containing crude protein from all forms of non-protein nitrogen, added as such, shall be labeled as follows:  
 Crude protein, minimum, (insert number) % (This includes not more than (insert number) % equivalent

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crude protein which is not nutritionally available to (species of animal for which feed is intended)).

B) Premixes, concentrates or supplements intended for non-ruminants containing more than 1.25% equivalent crude protein from all forms of non-protein nitrogen, added as such, shall contain directions for use and a prominent statement: "WARNING: This feed must be used only in accordance with directions furnished on the label".

f) Mineral phosphatic materials for feeding purposes shall be labeled with the guarantee for minimum and maximum percentage of calcium (when present), the minimum percentage of phosphorus, and the maximum percentage of fluorine.

g) Guarantees for microorganisms shall be stated in colony forming units per gram (CFU/g) when directions are for using the product in grams, or in colony forming units per pound (CFU/lb) when directions are for using the product in pounds. A parenthetical statement following the guarantee shall list each species in order of predominance.

(Source: Added at 16 Ill. Reg. 15889, effective September 30, 1992)

## Section 200.50 Labeling (Repealed)

a) ~~The information required in Section 5(a) of the Commercial Feed Act must appear in its entirety on one side of a label or on one side of the container; this information shall not be subordinated or obscured by other statements and designs.~~

b) ~~The names of all ingredients must be shown in letters or type of the same size.~~

c) ~~The use of second-hand bags is prohibited unless the original stenciling is blocked out or the bag is turned inside out.~~

(Source: Repealed at 16 Ill. Reg. 15889, effective September 30, 1992)

## Section 200.55 Ingredients

a) The name of each ingredient or collective term for the grouping of ingredients, when required by Section 200.25 to be listed, shall be the same as defined in the Official Definitions of Feed Ingredients as published in the Official Publication of the Association of American Feed Control Officials, which is adopted in Section 10 of the Act.

b) The name of each ingredient shall be shown in letters or type of the same size.

c) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

d) The term "dehydrated" may precede the name of any product that has been artificially dried.

e) A single ingredient product defined by the Association of American



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Feed Control Officials, which is adopted in Section 10 of the Act, is not required to have an ingredient statement.

- f) Tentative definitions for ingredients shall not be used until adopted as official by the Association of American Feed Control Officials, unless no official definition exists or the ingredient has a common accepted name that requires no definition (e.g. sugar).

- g) When the word "iodized" is used in connection with a feed ingredient, the feed ingredient shall contain not less than 0.007% iodine, uniformly distributed.

(Source: Added at 16 Ill. Reg. 15889, effective September 30, 1992)

## Section 200.60 Minerals (Repealed)

- a) When the word "iodized" is used in connection with a feed ingredient, the ingredient shall not contain less than 0.007% iodine, uniformly distributed.

- b) Mineral-phosphoric materials for feeding purposes shall be labeled with a guarantee for the minimum and maximum percentages of calcium, minimum percentage of phosphorus, and the maximum percentage of fluorine.

- c) The fluorine content of any mineral or mineral mixture which is to be used directly for the feeding of domestic animals shall not exceed 0.30 percent for cattle, 0.35 percent for sheep, 0.45 percent for swine, and 0.60 percent for poultry.

- d) Soft phosphate, rock phosphates or other fluorine-bearing ingredients may be used only in such amounts that they will not raise the fluorine concentration of the total (grain) ration above the following amounts: 0.009 percent for cattle, 0.01 percent for sheep, 0.014 percent for swine, and 0.035 percent for poultry.

(Source: Repealed at 16 Ill. Reg. 15889, effective September 30, 1992)

## Section 200.65 Directions for Use and Precautionary Statements

- a) Directions for use and precautionary statements on the labeling of all commercial feeds and customer-formula feed containing additives (including drugs, special purpose additives, or non-nutritive additives) shall:

- 1) be adequate to enable safe and effective use for the intended purposes by users with no special knowledge of the purpose and use of such articles; and
- 2) include, but not be limited to, all information described by all applicable regulations under the Federal Food, Drug and Cosmetic Act as adopted in Section 10 of the Act.

- b) Directions for use and precautionary statements are required for feeds containing non-protein nitrogen as specified in Section 200.75.

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- c) Directions for use and precautionary statements necessary for safe and effective use are required on commercial feeds distributed to supply particular dietary needs or for supplementing or fortifying the usual diet or ration with any vitamin, mineral, or other dietary nutrient or compound.

(Source: Added at 16 Ill. Reg. 15889, effective September 30, 1992)

## Section 200.70 Urea (Repealed)

- a) Urea and ammonium salts of carbonic and phosphoric acids are acceptable ingredients in proprietary cattle, sheep and goat feeds only; these materials shall be considered adulterants in proprietary feeds for other animals and birds; the maximum percentage of equivalent protein from non-protein nitrogen must appear immediately below crude protein in the chemical guarantee; and the name of the substance supplying the non-protein nitrogen must appear in the ingredient list; if feed contains more than 3 percent of urea or if the equivalent protein contributed by urea exceeds one-third of the total crude protein, the label shall bear:

- 1) a statement of proper usage; and
- 2) the following statement in type of such conspicuousness as to render it likely to be read and understood by ordinary individuals under customary conditions of purchase and use:

A) "WARNING: This feed should be used only in accordance with directions furnished on the label."

(Source: Repealed at 16 Ill. Reg. 15889, effective September 30, 1992)

## Section 200.75 Non-Protein Nitrogen

- a) Urea and other non-protein nitrogen products as defined in the Official Publication of the Association of American Feed Control Officials, which is adopted in Section 10 of the Act, are acceptable ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein. If the commercial feed contains more than 8.75% of equivalent crude protein from all forms of non-protein nitrogen, added as such, or the equivalent crude protein from all forms of non-protein nitrogen, added as such, exceeds one-third of the total crude protein, the label shall bear directions for the safe use of feeds and a precautionary statement: "Caution: use as directed." The directions for use and the caution statement shall be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.
- b) Non-protein nitrogen as defined in the Official Publication of the Association of American Feed Control Officials, which is adopted in Section 10 of the Act, when so indicated, are acceptable ingredients



c) in commercial feeds distributed to non-ruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from non-protein nitrogen sources when used in non-ruminant rations shall not exceed 1.25% of the total daily ration. On labels such as those for medicated feeds which bear feeding directions or warning statements, the presence of added non-protein nitrogen shall not require a duplication of the feeding directions or the precautionary statements as long as those statements include information to ensure the safe and effective use of this product due to the presence of non-protein nitrogen.

(Source: Added at 16 Ill. Reg. 15889, effective September 30, 1992.)

#### Section 200.85 Drug and Feed Additives

a) Prior to approval of registration application or approval of a label for commercial feed which contain an additive (including drugs, other special purpose additives, or non-nutritive additives), the distributor shall be required to submit evidence to prove the safety and efficacy of the commercial feed when used according to the directions furnished on the label.

b) Satisfactory evidence of safety and efficacy of a commercial feed shall be:

- 1) when the commercial feed contains such additives, the use of which conforms to the requirements of the applicable regulation in the Code of Federal Regulations, Title 21, or which are "prior sanctioned", "informal review sanctioned" or "generally recognized as safe" for such use by the FDA, or
- 2) when the commercial feed is itself a drug as defined in Section 3(g) of the Act and is generally recognized as safe and effective for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under Title 21 U.S.C. 360(b), or
- 3) when one of the purposes for feeding a commercial feed is to impart immunity (that is to act through some immunological process) the constituents imparting immunity have been approved for the purpose through the Federal Virus, Serum and Toxins Act of 1913, as amended, or
- 4) when the commercial feed is a direct fed microbial product and:
  - A) The product meets the particular fermentation product definition;
  - B) The microbial content statement, as expressed on the label, is limited to the following: "Contains a source of live (viable) naturally occurring microorganisms.";
  - C) The source is stated with a corresponding guarantee expressed in accordance with Section 200.45(g).

(Source: Added at 16 Ill. Reg. 15889, effective September 30, 1992.)

September 30, 1992.)

#### Section 200.90 Registration of Commercial Feeds Containing Drugs, Artificial Color, Etc. (Repealed)

~~Before a registration is accepted for a commercial feed which contains drugs, artificial colorings or other ingredients which may be harmful to animals, the distributor shall submit a copy of the Federal Food and Drug Administration approval of such feed for such purpose. No material shall be used to enhance the natural color of a feed or feed ingredient whereby inferiority would be concealed.~~

(Source: Repealed at 16 Ill. Reg. 15889, effective September 30, 1992.)

#### Section 200.95 Adulterants

a) For the purpose of Section 7(a)(1) of the Act, the terms "poisonous or deleterious substances" include, but are not limited to, the following:

- 1) Fluorine and any mineral or mineral mixture which is to be used directly for the feeding of domestic animals and in which the fluorine exceeds 0.20% for breeding and dairy cattle; 0.30% for slaughter cattle; 0.30% for sheep; 0.35% for lambs; 0.45% for swine; and 0.60% for poultry.
- 2) Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration (exclusive of roughage) above the following amounts: 0.004% for breeding and dairy cattle; 0.009% for slaughter cattle; 0.006% for sheep; 0.01% for lambs; 0.015% for swine; and 0.03% for poultry.
- 3) Fluorine bearing ingredients incorporated in any feed that is fed directly to cattle, sheep or goats consuming roughage (with or without) limited amount of grain, that results in a daily fluorine intake in excess of 50 milligrams of fluorine per 100 pounds of body weight.
- 4) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets which have been extracted with trichlorethylene or other chlorinate solvents.
- 5) Sulfur dioxide, sulfuric acid, and salts of sulfuric acid when used in or on feeds or feed ingredients which are reported to be a source of vitamin B1 (thiamine).
- b) All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds so that the finished product contains no viable prohibited weed seeds, not more than 4 viable restricted weed seeds per pound, and not more than 50 per pound of other weed seed. Prohibited and restricted weed seeds shall be those listed in 8 Ill. Adm. Code 230.20 and 230.30 of the rules adopted for the Illinois



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## Seed Act.

(Source: Added at 16 Ill. Reg. 15889, effective September 30, 1992.)

### Section 200.100 Weed Seeds in Concentrated Commercial Feeding Stuffs (Repealed)

No person shall sell or offer for sale in this State any concentrated commercial feeding stuffs for feeding which contain in excess of three percent by weight of weed seeds and all such weed seeds contained in any such feeding stuffs shall be processed or treated in such manner as to render them incapable of germination. Weed seeds are defined in the Illinois Seed Law (Ill. Rev. Stat. 1981, ch. 57, par. 402.36) and are listed in the rules promulgated under the Illinois Seed Law (0-111-Adm.-Code-230:20 and 230:30).

(Source: Repealed at 16 Ill. Reg. 15889, effective September 30, 1992.)

### Section 200.110 Administrative Rules (Repealed)

All decisions and actions of the Department are subject to the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1981, ch. 127, par. 1001 et seq.) and the Department's Administrative Rules (0-111-Adm.-Code-1) which pertain to administrative proceedings, administrative hearings, contested cases, petitions, declaratory rulings and public disclosure of files.

(Source: Repealed at 16 Ill. Reg. 15889, effective September 30, 1992.)

## SUBPART B: PET FOOD

### Section 200.120 Definitions

The definitions that appear in Section 200.15 shall apply to the provisions of this Subpart. In addition, the following terms are defined for the purposes of this Subpart:

"Immediate Container" means the unit, can, box, tin, bag, or other receptacle or covering in which a pet food is displayed for sale to retail purchasers, but does not include containers used as shipping containers.

"Information Panel" means the part of the label immediately contiguous and to the right of the principal display panel as prescribed in 21 CFR 501.2 (1992).

"Ingredient Statements" means a collective and contiguous listing on the label of the ingredients of which the pet food is composed.

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"Principal Display Panel" means the part of a label that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for retail sale as prescribed in 21 CFR 501.1 (1992).

(Source: Added at 16 Ill. Reg. 15889, effective September 30, 1992.)

### Section 200.130 Label Format and Labeling

- a) The statement of net content and product name shall be shown on the principal display panel. All other required information may be placed elsewhere on the label but shall be conspicuous as to render it easily read under ordinary conditions of purchase and sale.
- b) The declaration of the net content shall be made in conformity with the Illinois Weights and Measures Act (Ill. Rev. Stat. 1991, ch. 147, par. 101 et seq.).
- c) The information which is required to appear in the "Guaranteed Analysis" shall be listed in the following order:

- 1) Crude protein (Minimum Percent)
  - 2) Crude fat (Minimum Percent)
  - 3) Crude fiber (Maximum Percent)
  - 4) Moisture (Maximum Percent)
  - 5) Additional guarantees, if any, shall follow moisture.
- d) The label of a pet food shall specify the name and address of the manufacturer, packer or distributor of the pet food.

- e) If a person manufactures, packages, or distributes a pet food in a place other than the principal place of business, the label may state the principal place of business in lieu of the actual place where each package of such pet food was manufactured or packaged or is to be distributed, if such statement is not misleading in any particular.

- f) A vignette, graphic, or pictorial representation of a product on a pet food label shall not misrepresent the contents of the package.

- g) The use of the word "proven" in connection with label claims for a pet food is not permitted unless scientific or other empirical evidence establishing the claim represented as "proven" is available.

- h) No statement shall appear upon the label of a pet food which makes false or misleading comparisons between that pet food and any other pet food.

- i) Personal or commercial endorsements are permitted on pet food labels where said endorsements are factual and not otherwise misleading.

- j) When a pet food is enclosed in any outer container or wrapper which is intended for retail sale, all required label information shall appear on such outside container or wrapper.

- k) The words "Dog Food", "Cat Food", or similar designations shall appear conspicuously upon the principal display panel of the pet food label.

- l) The label of a pet food shall not contain an unqualified representation or claim that the pet food is or meets the requisites of a complete, perfect, scientific or balanced ration for dogs or cats



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unless such product:

- 1) contains ingredients in quantities sufficient to provide the estimated nutrient requirements for all stages of the life of a dog or cat which have been determined by the AAFCO Pet Food Nutrient Profile, as adopted in Section 10 of the Act; or
  - 2) contains a combination of ingredients which when fed to a normal animal as the only source of nourishment shall provide for fertility, gestation and lactation of females, normal growth from weaning to maturity without supplemental feeding, and will maintain the normal weight of an adult animal whether working or at rest and has had its capabilities demonstrated by testing.
- m) Labels for products which are compounded for or which are suitable for only a limited purpose (i.e., a product designed for the feeding of puppies) may contain representations (e.g., "complete food for puppies") stating that the product meets the requisites of a complete, perfect, scientific or balanced ration for dogs or cats only if:
- 1) Such representations and the required qualification shall appear on the same panel and in the same size, style and color print; and
  - 2) The pet food contains:
    - A) ingredients in quantities sufficient to satisfy the estimated nutrient requirements as determined by AAFCO and adopted in Section 10 of the Act; or
    - B) a combination of ingredients which when fed for such limited purpose shall satisfy the nutrient requirements for such limited purpose and has had its capabilities demonstrated by testing.

- n) Except as specified by Section 200.140(a), the name of any ingredient which appears on the label, other than in the product name, shall not be given emphasis so as to create the impression that such an ingredient is present in the product in a larger amount than is the fact, shall constitute at least 3% of the total ingredients (exclusive of water sufficient for processing) when preceded by the designation "with" or like term, and shall be in the same size, style and color print. If the names of more than one such ingredient are shown, they shall appear in the order of their respective predominance by weight in the product.
- o) The label of a dog or cat food, other than one prominently identified as a snack or treat as part of the designation required upon the principal display panel under subsection (k) of this Section shall bear, on either the principal display panel or the information panel in type of the same size as the largest type on the panel, a statement of the nutritional adequacy or purpose of the product. Such statement shall consist of one of the following:
  - 1) A claim that the pet food meets or exceeds the requirements of one or more of the recognized categories of nutritional adequacy (i.e., gestation, lactation, growth, maintenance, and complete for all life stages) in accordance with subsection (l) and (m) of this Section.

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- 2) A nutrition or dietary claim for purposes other than those listed in subsections (l) and (m) of this Section if the claim is scientifically substantiated.
  - 3) The statement: "This product is intended for intermittent or supplemental feeding only," if a product does not meet either the requirements of subsections (l) and (m) of this Section or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.
  - 4) The statement: "Use only as directed by your veterinarian", if it is pet food product intended for use by, or under the supervision or direction of, a veterinarian and shall make a statement in accordance with subsections (o)(1) or (o)(3) above.
- p) The use of claims on pet food labels stating improvement or newness shall be substantiated by the manufacturer and limited to six months production. The use of claims stating preference or comparative attribute claims shall be substantiated by the manufacturer and limited to one (1) year production after which the claim must be removed or resubstantiated.
- q) Dog and cat foods labeled as complete and balanced for any or all life's stages as provided in subsection (o)(1) above, except those pet foods labeled in accordance with subsection (o)(4) above, shall list feeding directions on the product label. These directions shall be expressed in common terms and shall appear prominently on the label. Feeding directions shall, at a minimum, state "Feed (weight/unit of product) per (weight unit) of dog (or cat)".

(Source: Added at 16 Ill. Reg. 15889, effective September 30, 1992.)

## Section 200.140 Brand and Product Names

- a) No flavor designation shall be used on a pet food label unless the designated flavor is detectable by test methods, as adopted in Section 9 of the Act. Any flavor designation on a pet food label shall either conform to the name of its source as shown in the ingredient statement or the ingredient statement shall show the source of the flavor. The word flavor shall be printed in the same size type and with an equal degree of conspicuousness as the ingredient term(s) from which the flavor designation is derived. Distributors of pet food employing such flavor designation or claims on the labels of the product distributed by them, shall upon written request, supply verification of the designated or claimed flavor to the Director.
- b) The designation "100%" or "All" or words of similar connotation shall not be used in the brand or product name of a pet food if it contains more than one ingredient. However, for the purpose of this provision, water sufficient for processing, decharacterizing agents and trace amounts of preservatives and condiments shall not be considered ingredients.
- c) The term "meat" and "meat by-products" shall be qualified to designate



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the animal from which the meat and meat by-products are derived unless the meat and meat by-products are from cattle, swine, sheep or goats. For example, "horsemeat" and "horsemeat by-products."

- d) The name of the pet food shall not be derived from one or more ingredients of a mixture of a pet food product unless all components or ingredients are included in the name except as specified by subsection (a), (e) or (f) of this Section; provided that the name of an ingredient or combination of ingredients may be used as a part of the product name if:

- 1) the ingredient or combination of ingredients is present in a quantity to impart a distinctive characteristic to the product;
- 2) it does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients; or
- 3) it is not otherwise false or misleading.

- e) When an ingredient or a combination of ingredients derived from animals, poultry, or fish constitutes 95% or more of the total weight of all ingredients of a pet food mixture, the name or names of such ingredient(s) may form a part of the product name of the pet food; provided that where more than one ingredient is part of such product name, then all such ingredient names shall be in the same size, style, and color print. Water sufficient for processing shall be excluded when calculating the percentage of the named ingredient(s). However, such named ingredient(s) shall constitute at least 70% of the total product.

- f) When an ingredient or a combination of ingredients constitutes at least 25% but less than 95% of the total weight of all ingredients of a dog or cat food mixture, the name or names of such ingredient or ingredients may form a part of the product name of the pet food if each of the ingredients constitutes at least 3% of the product weight excluding water used for processing and only if the product name also includes a primary descriptive term such as "dinner", "platter", or similar designation so that the product name describes the contents of the product so that the product name is not misleading. If the names of more than one such ingredient are shown, they shall appear in the order of their respective predominance by weight in the product. All such ingredient names and the primary descriptive term shall be in the same size, style and color print. For the purpose of this provision, water sufficient for processing shall be excluded when calculating the percentage of the named ingredient(s). However, such named ingredient(s) shall constitute at least 10% of the total product.

- g) Contractions or coined names referring to ingredients shall not be used in the brand name of a pet food unless it is in compliance with subsection (a), (d), (e), or (f) above.

(Source: Added at 16 Ill. Reg. 15889, effective September 30, 1992)

## Section 200.150 Expression of Guarantees

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- a) The sliding scale method of expressing a guaranteed analysis (for example, "protein 15-18%") is prohibited.
- b) Pursuant to Section 5(a)(3) of the Act, the label of a pet food which is formulated as and represented to be a mineral supplement, shall include in the guaranteed analysis the minimum and maximum percentages of calcium, the minimum percentage of phosphorus and the minimum and maximum percentages of salt. The minimum content of all other essential nutrient elements recognized by the AAFCO Dog or Cat Food Nutrient Profile, as adopted in Section 10 of the Act, from sources declared in the ingredient statement shall be expressed as the element in units specified in the recognized nutrient profile.

- c) The label of pet food which is formulated as and represented to be a vitamin supplement shall include a guarantee of the minimum content of each vitamin declared in the ingredient statement.

- d) Vitamins guaranteed on pet foods shall be stated in International Units per kilogram (IU/kg) for vitamins A, D, and E. All other vitamins shall be stated in milligrams per kilogram (mg/kg) except vitamin B12 which may be guaranteed in micrograms per kilogram (mcg/kg).

- e) The vitamin potency of pet food products distributed in containers smaller than 1 lb. may be guaranteed in International Units (IU) per kilogram of weight for vitamins A, D, and E. All other vitamins may be guaranteed in milligrams per kilogram of weight (mg/kg) except vitamin B12 which may be guaranteed in micrograms per kilogram (mcg/kg).

- f) If the label of a pet food does not represent the pet food to be either a vitamin or a mineral supplement, but does include a table of comparison of a typical analysis of the vitamin, mineral, or nutrient content of the pet food with levels determined by the AAFCO, as adopted in Section 10 of the Act, the statement in a table of comparison of the vitamin, mineral, or nutrient content shall constitute a guarantee, but need not be repeated in the guaranteed analysis. Such table of comparison may appear on the label separate and apart from the guaranteed analysis.

- g) The use of percentages or words of similar import when referring to nutrient levels established by the AAFCO Pet Food Nutrient Profile, as adopted in Section 10 of the Act, shall not be permitted on pet food labels, except that such direct comparisons in whole or part of the individual nutrient contents of a pet food with those recommended by the recognized nutrient profile may be made where the comparisons are expressed in the same quantitative units as those used by the cited nutrient profile and,

- 1) the product in question meets the nutrient profile determined by AAFCO, and
- 2) the comparison is preceded by a statement to that effect.

(Source: Added at 16 Ill. Reg. 15889, effective September 30, 1992)



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**Section 200.160 Ingredients**

- a) The maximum moisture in all pet foods shall be guaranteed and shall not exceed 78.00% or the natural moisture content of the constituent ingredients of the product, whichever is greater. Pet foods such as those consisting principally of stew, gravy, sauce, broth, juice or a milk replacer which are so labeled may contain moisture in excess of 78.00%.
- b) Each ingredient of the pet food shall be listed in the ingredient statement, and names of all ingredients in the statement shall be shown in letters or type of the same size. The failure to list the ingredients of a pet food in descending order by their predominance by weight in non-quantitative terms shall be misleading. Any ingredient for which the AAFCO has established a name and definition shall be identified by the name so established. Any ingredient for which no name and definition has been so established shall be identified by the common or usual name of the ingredient. Brand or trade names shall not be used in the ingredient statement.
- c) The term "dehydrated" may precede the name of any ingredient in the ingredient list that has been artificially dried.
- d) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a pet food.
- e) No reference to the quality, nature, form, or other attribute of an ingredient shall be made unless such designation is accurate.

(Source: Added at 16 Ill. Reg. 15889, effective September 30, 1992.)

**Section 200.170 Drugs and Pet Food Additive**

- a) An artificial color may be used in a pet food only if it has been shown to be harmless to pets. The permanent or provisional listing of an artificial color in the United States Food and Drug Regulations, as adopted in Section 10 of the Act, as safe for use, together with the conditions, limitations, and tolerances, if any, incorporated therein, shall be deemed to be satisfactory evidence that the color is, when used pursuant to such regulations, harmless to pets.
- b) Prior to approval of a registration application or approval of a label for pet food which contains additives (including drugs, other special purpose additives, or non-nutritive additives), the distributor shall submit evidence to prove the safety and efficacy of the pet food, when used according to directions furnished on the label. Satisfactory evidence of the safety and efficacy of a pet food may be:
- 1) when the pet food contains such additives, the use of which conforms to the requirements of the applicable regulations in the 21 CFR, or which are "prior sanctioned" or "generally recognized as safe" for such use, or
  - 2) when the pet food itself is a drug as defined in Section 3(g) of the Act and is generally recognized as safe and effective or is

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marketed subject to an application approved by the Food and Drug Administration under 21 U.S.C. 360(b).

(Source: Added at 16 Ill. Reg. 15889, effective September 30, 1992.)

**SUBPART C: GENERAL REQUIREMENTS****Section 200.200 Payment of Inspection Fee**

The inspection fee as set forth in Section 6 of the Act is to be paid on all registered commercial feed shipped into Illinois or distributed in Illinois by the person who first distributes the commercial feed, except the inspection fee is not required on the first distribution if made to exempt buyers who shall become responsible for the fee. Any person may request "exempt buyer" status from the Director by providing business information which indicates the person does 50% or more business as an interstate distributor or central buyer. The Director shall grant exempt buyer status to persons doing 50% or more business as interstate distributors or central buyers. A list of "exempted buyers" may be obtained from the Director.

(Source: Added at 16 Ill. Reg. 15889, effective September 30, 1992.)

**Section 200.210 Firm License**

Any person who manufactures feed in this State or whose name appears on the label shall register on forms furnished by the Department. The following information is required: the complete firm name, complete address of home office, phone number, and list of any and all additional facilities giving complete address of same which are operated under the same firm name and are registered under one firm license in the State of Illinois. A facility operating under a name different from the home office is required to obtain a separate firm license.

(Source: Added at 16 Ill. Reg. 15889, effective September 30, 1992.)

**Section 200.220 Administrative Rules**

All decisions and actions of the Department are subject to the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1-1001 et seq.) and the Department's Administrative Rules (8 Ill. Adm. Code 1) which pertain to administrative proceedings, administrative hearings, contested cases, petitions, and public disclosure of files.

(Source: Added at 16 Ill. Reg. 15889, effective September 30, 1992.)



DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

- 1) Heading of Part: Specialty Farm Product Buyers Act
- 2) Code Citation: 68 Ill. Adm. Code 580
- 3) Section Numbers: Adopted Action:  
580.10 Adopted  
580.20 Adopted  
580.30 Adopted  
580.40 Adopted  
580.50 Adopted
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 5, pars. 2751-1 et seq.
- 5) Effective Date of Rules: September 30, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed rule contain incorporations by reference?  
No
- 8) Date Filed in Agency's Principal Office: September 25, 1992
- 9) Notices of Proposal Published in Illinois Register:  
June 12, 1992, 16 Ill. Reg. 8671
- 10) Has JCAR issued a Statement of Objections to these rules?  
No
- 11) Differences between proposal and final version:  
None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
Yes
- 13) Will this rule replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules:  
These rules are intended to implement the Specialty Farm Product Buyers Act. The rules identify who must register and establish the procedure for doing so. Products identified as specialty farm products are: sweet corn, snap beans, green peas, tomatoes, cucumbers, popcorn, potatoes and pumpkins. Information that must be contained in a written complaint is identified in these rules.
- 16) Information and questions regarding this adopted rules shall

ILLINOIS REGISTER

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NOTICE OF ADOPTED RULES

be directed to:  
Name: Barbara McGuire  
Address: Illinois Department of Agriculture  
State Fairgrounds, Springfield,  
Illinois 62794-9281  
Telephone: 217/782-8362

The full text of Adopted Rules begins on the next page:



TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER II: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 580

## SPECIALTY FARM PRODUCT BUYERS ACT

## Section

580.10 Definitions

580.20 Application of Rules

580.30 Registration

580.40 Complaint

580.50 Administrative Hearing

AUTHORITY: Authorized by and implementing the Specialty Farm Product Buyers Act (Ill. Rev. Stat. 1991, ch. 5, pars. 2751-1 et seq.).

SOURCE: Adopted at 16 Ill. Reg. 15913, effective September 30, 1992.

## Section 580.10 Definitions

"Act" means the Specialty Farm Product Buyers Act (Ill. Rev. Stat. 1991, ch. 5, pars. 2751-1 et seq.).

## Section 580.20 Application of Rules

- a) Except as otherwise set forth in this Section, any buyer who buys specialty farm products from producers in Illinois shall be covered under the Act and these rules for that part of the business that comes from Illinois. Any Illinois producer purchasing specialty farm products incidental to his or her own production operation shall not be considered to be a specialty farm product buyer.
- b) Specialty farm products shall include sweet corn, snap beans, green peas, tomatoes, cucumbers, popcorn, potatoes and pumpkins.

## Section 580.30 Registration

- a) The application for registration as a buyer shall be accompanied by a current financial statement and the registration fee required by Section 20 of the Act. The financial statement shall set forth the assets and liabilities and the net worth of the applicant. For a financial statement to be current, it must be received by the Department within five months after the financial statement date.
- b) When any registrant changes the address of the permanent business location or adds or deletes additional locations or agents, the buyer shall file within 30 days an amendment to his or her registration application on a form provided by the Department.
- c) Registrations shall expire one year from the date of issuance.

Applications for registration renewal shall be submitted prior to expiration of the current registration. Applications for renewal shall also be accompanied by a current financial statement and a renewal fee of \$100.

## Section 580.40 Complaint

The Department shall accept any written complaint setting forth facts which if proved would constitute a violation of the Act. Such written complaint shall at a minimum contain the following information:

- a) The name and address of the complainant.
- b) The name and address of the buyer.
- c) The specialty farm product involved.
- d) A description of the facts which if proved would constitute grounds for refusal, suspension or revocation of a registration under the Act.

## Section 580.50 Administrative Hearing

All decisions and actions of the Department are subject to the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) and the Department's Administrative Rules (8 Ill. Adm. Code 1) which pertain to administrative hearings, petitions, proceedings, contested cases and availability of Department files for public access. Administrative hearings are governed by the Illinois Administrative Procedure Act and Subpart B of the Department's Administrative Rules.



## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Driving Under the Influence Programs
- 2) Code Citation: 77 Ill. Adm Code 2056
- 3) Section Numbers: Adopted Action:
- |          |                        |
|----------|------------------------|
| 2056.1   | Amendment              |
| 2056.5   | Amendment              |
| 2056.15  | Amendment              |
| 2056.20  | Amendment              |
| 2056.25  | Amendment              |
| 2056.50  | Amendment              |
| 2056.55  | Amendment              |
| 2056.60  | Amendment              |
| 2056.61  | Amendment              |
| 2056.65  | Renumber               |
| 2056.70  | Renumber               |
| 2056.75  | Amendment              |
| 2056.210 | Amendment              |
| 2056.215 | Amendment              |
| 2056.225 | Amendment              |
| 2056.301 | Renumber and Amendment |
| 2056.303 | Renumber and Amendment |
| 2056.305 | Amendment              |
| 2056.310 | Amendment              |
| 2056.315 | Amendment              |
| 2056.320 | Amendment              |
| 2056.325 | Amendment              |
| 2056.330 | Amendment              |
| 2056.405 | Amendment              |
| 2056.410 | Amendment              |
| 2056.415 | Amendment              |
| 2056.420 | Amendment              |
| 2056.500 | Amendment              |
| 2056.505 | Amendment              |
| 2056.510 | Amendment              |
| 2056.515 | Amendment              |

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

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- |            |             |
|------------|-------------|
| 2056.525   | Amendment   |
| 2056.600   | Amendment   |
| 2056.601   | New Section |
| 2056.603   | New Section |
| 2056.605   | Amendment   |
| 2056.607   | New Section |
| 2056.610   | Amendment   |
| 2056.615   | Repealer    |
| 2056.620   | New Section |
| 2056.625   | New Section |
| 2056.630   | New Section |
| 2056.635   | New Section |
| 2056.640   | New Section |
| 2056.645   | New Section |
| 2056.650   | New Section |
| 2056.655   | New Section |
| 2056.660   | New Section |
| 2056.705   | Amendment   |
| Appendix A | Repealer    |

- 4) Statutory Authority: Implementing and authorized by the Illinois Vehicle Code (Ill. Rev. Stat. 198791, ch. 95½, par. 1-100 et seq.) and by Section 2-101 (1) (a) and (b) and (2) (a) and (b) of the Illinois Alcoholism and Other Drug Dependency Act, (Ill. Rev. Stat. 198791, ch. 111½ par. 6352-1 (1) (a) and (b) and (2) (a) and (b)).
- 5) Effective Date of Rules: November 1, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rule contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: September 1, 1992.
- 9) Notice of Proposal Published in Illinois Register: 16 Ill. Reg. 4567, March 27, 1992.
- 10) Has JCAR issued a Statement of Objections to this rule? No.
- 11) Differences between proposal and final version:  
Changes requested by JCAR have been made. Also, statutory citations have been



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updated and some typographical and punctuation errors have been corrected.

The following new definitions were added to Section 2056.1:

"Aftercare Services Plan";  
"DUI Service Reporting System (DARS)" and  
"Indigency Fee".

The following proposed definitions were replaced with new definitions:

"Substance Abuse"; and  
"Substance Dependence".

The following definitions were changed during the first notice period:

"DUI";  
"DUI Defendant";  
"Level I - Minimal Risk";  
"Level II - Moderate Risk";  
"Level II - Significant Risk";  
"Level III - High Risk";  
"Risk"; and  
"Treatment".

Section 2056.5(a)(1), (b) and (c) were changed.

The heading for Section 2056.25 was changed.

The heading for Section 2056.50 was changed and the text of the Section was changed.

Section 2056.55 was changed.

Section 2056.60 was changed.

Section 2056.61 was changed.

Section 2056.215 was changed.

Section 2056.225 was amended between first notice and adoption in order to delete

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reference to a form no longer in use.

Section 2056.301 was changed.

Section 2056.303 was changed.

Section 2056.305 was changed.

Section 2056.310 was changed.

Section 2056.315 was changed.

Section 2056.320 was changed.

Section 2056.325 was changed.

Section 2056.330 was changed.

Section 2056.405 was changed.

Section 2056.410 was changed.

Section 2056.415 was changed.

Section 2056.420 was changed.

Section 2056.500 was changed.

Section 2056.505 was changed.

Section 2056.515 was amended between first notice and adoption to delete reference to a form no longer in use.

Section 2056.525 was changed.

Section 2056.603 was changed.

Section 2056.605 was changed.



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Section 2056.610 was changed.

Section 2056.620 was changed.

Section 2056.630 was changed.

12) Have all the changes agreed upon by the agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes.

13) Will this rule replace an emergency rule currently in effect? No.

14) Are there any amendments currently pending on this part? No.

15) Summary and Purpose of Rule:

The adopted amendments and new sections more clearly define intervention services, to wit: the purpose, scope and requirements of DUI evaluations, remedial education and beverage alcohol sellers and servers training. Also, statutory citations are being updated.

16) Information and Questions Concerning this Adopted Rule should be directed to:

Jane Mortell  
Associate General Counsel  
Illinois Department of Alcoholism  
and Substance Abuse  
SOIC, 100 W. Randolph Street  
Suite 5-600  
Chicago, Illinois 60601  
(312) 814-6387 (Voice)  
(312) 419-8432 (TDD)

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 77: PUBLIC HEALTH

CHAPTER X: DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE  
SUBCHAPTER d: LICENSURE

## PART 2056

## DRIVING UNDER THE INFLUENCE PROGRAMS

## SUBPART A: GENERAL PROVISIONS

| Section |   |
|---------|---|
| 2056.1  | Definitions   |
| 2056.5  | Programs Subject to Licensure   |
| 2056.10 | Non-Transferability of License  |
| 2056.15 | Proof of Licensure  |
| 2056.20 | Change in Authorized Program Representative/ <u>Program or Services/Program Location</u>          |
| 2056.25 | Zoning and Physical Plant Requirements  |
| 2056.30 | Emergency Services Plan   |
| 2056.35 | Exceptions for Evaluation and Remedial Education Programs   |
| 2056.40 | Compliance with Court Rules   |
| 2056.45 | Program Service Termination/Records Disposal  |
| 2056.50 | <u>Documentation of Policies and Procedures Operations Manual</u>                                 |
| 2056.55 | Referral Procedures   |
| 2056.60 | Service Fees  |
| 2056.61 | <u>DUI Fund-Reimbursement Indigent Services and the Drunk and Drugged Driving Prevention Fund</u> |
| 2056.65 | 2056.301 Informed Consent (Renumbered)  |
| 2056.70 | 2056.303 <u>Non-Disclosure Privilege (Renumbered)</u>   |
| 2056.75 | Sanctions   |

## SUBPART B: LICENSE FEES/APPLICATIONS/RENEWALS

| Section  |   |
|----------|---|
| 2056.200 | Application Forms                       |
| 2056.205 | Renewal Application Forms               |
| 2056.210 | <u>License Application Fees</u>         |
| 2056.215 | Period of Licensure                     |
| 2056.220 | Acceptance for Processing               |
| 2056.225 | Verification of Application Information |

## SUBPART C: EVALUATION PROGRAMS



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|          |   |
|----------|---|
| Section  |   |
| 2056.300 | Purpose of Evaluation   |
| 2056.301 | Informed Consent (Renumbered)                                     |
| 2056.302 | Non-Disclosure Privilege (Renumbered)                             |
| 2056.303 | Evaluation Requirements   |
| 2056.310 | Evaluation Classifications  |
| 2056.315 | Evaluation Recommendations  |
| 2056.320 | Qualifications and Training of Evaluators                         |
| 2056.325 | <u>Evaluation Form Alcohol and Drug Evaluation Uniform Report</u> |
| 2056.330 | <u>Administrative Evaluation Programmatic Requirements</u>        |

## SUBPART D: REMEDIAL EDUCATION PROGRAMS

|          |  |
|----------|--|
| Section  |  |
| 2056.400 | Purpose of Remedial Education                                  |
| 2056.405 | <u>Content of Remedial Educational Curriculum Requirements</u> |
| 2056.410 | Remedial Education Course Requirements                         |
| 2056.415 | Qualifications and Training of Remedial Education Instructors  |
| 2056.420 | Remedial Education Programmatic Requirements                   |

## SUBPART E: EVALUATIONS AND REMEDIAL EDUCATION/RECORDS AND REPORTS

|          |   |
|----------|---|
| Section  |   |
| 2056.500 | Defendant Records (Evaluation)  |
| 2056.505 | Defendant Records (Remedial Education)  |
| 2056.510 | Program Records (Renumbered)  |
| 2056.515 | Personnel Records   |
| 2056.520 | Records Security  |
| 2056.525 | <u>Submission of Reports and Required Forms DUI Service Reporting System (DSRS)</u> |

## SUBPART F: BEVERAGE ALCOHOL SELLERS AND SERVERS EDUCATION AND TRAINING (BASSET) PROGRAMS

|          |   |
|----------|---|
| Section  |   |
| 2056.600 | Purpose of Beverage Alcohol Sellers and Servers Education and Training (BASSET) |
| 2056.601 | License Applications  |
| 2056.603 | Renewal Applications  |
| 2056.605 | BASSET Curriculum Requirements  |
| 2056.607 | License Fees  |

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|          |  |
|----------|--|
| 2056.610 | BASSET Programmatic Requirements                     |
| 2056.615 | BASSET Recordkeeping/Reports (Renumbered)            |
| 2056.620 | Period of Licensure                                  |
| 2056.625 | Acceptance for Processing                            |
| 2056.630 | Non-Transferability of License                       |
| 2056.635 | <u>Change in BASSET Program Director or Services</u> |
| 2056.640 | <u>Exceptions for BASSET Programs</u>                |
| 2056.645 | <u>Compliance with Local Government Ordinances</u>   |
| 2056.650 | <u>BASSET Program Fee</u>                            |
| 2056.655 | Sanctions  |
| 2056.660 | <u>BASSET Instructor Training</u>                    |

## SUBPART G: COMPLAINTS/INSPECTIONS/INVESTIGATIONS

|          |                |
|----------|----------------|
| Section  |                |
| 2056.700 | Complaints     |
| 2056.705 | Inspections    |
| 2056.710 | Investigations |

## Appendix A QUALIFICATION FOR DUI SERVICES AS AN INDIGENT (Renumbered)

**AUTHORITY:** Implementing and authorized by the Illinois Vehicle Code (Ill. Rev. Stat. 19879L, ch. 95 1/2, par. 1-100 et seq.) and by Section 2-101(1)(a) and (b) and (2)(a) and (b) of the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 19879L, ch. 111 1/2, par. 6352-1(1)(a) and (b) and (2)(a) and (b)).

**SOURCE:** Emergency rules adopted at 10 Ill. Reg. 521, effective January 1, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 13207, effective July 28, 1986; Part repealed, new Part adopted at 12 Ill. Reg. 11138, effective June 21, 1988; amended at 13 Ill. Reg. 7274, effective April 28, 1989; amended at 16 Ill. Reg. 5917, effective November 1, 1992.

## SUBPART A: GENERAL PROVISIONS

## Section 2056.1 Definitions

"Abuse" means a pattern of use of alcohol or other drugs with the potential of leading to immediate functional problems, such as loss of control over use, blackouts, changes in tolerance to alcohol or drug use, and/or impairment in social, legal, family, marital, physical or economic areas, or to addiction or the use of alcohol or other drugs solely for purposes of intoxication as determined by an



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## evaluator:

"Aftercare Services Plan" means a written plan, developed by the treatment program, to support a defendant's progress after successful completion of treatment. It is developed to offer the defendant continued assistance and activities designed to support or enhance goals achieved in treatment. Plans should specify scheduled or unscheduled contact, including self-help group involvement, if necessary, and the plan should be designed so that such services should occur at specified intervals over a minimum of at least six (6) months.

"Alcohol and Drug Evaluation Report Summary" means the form required for purposes of granting judicial driving privileges, as defined in Section 6-206 of the Illinois Driver Licensing Law. (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 6-206).

"Alcohol and Drug Evaluation Uniform Report" means the form mandated by the Department for purposes of reporting the evaluation summary to the circuit court of venue or the Office of the Secretary of State.

"Authorized Program Representative" means the individual designated by the program to act on its behalf with regard to the provision of DUI services.

"BASSET" means Beverage Alcohol Sellers and Servers Education and Training program.

"BASSET Program Director" means the individual designated to act on behalf of the program with regard to the provision of BASSET services.

"Chemical Test(s)" means the blood alcohol concentration (BAC) and or drug concentration resulting from a breath, blood or urine test.

"Department" means the Department of Alcoholism and Substance Abuse.

"Dependent" means characterized by symptoms, such as preoccupation with alcohol or other drugs with physical disability and impaired emotional, occupational or social adjustments or a combination thereof as a direct consequence of loss of control over consumption, leading to periodic or chronic intoxication; tendency to increase the dose; tendency toward relapse; and a psychological (e.g., problems with relationships or the belief that activities cannot be done as well without the substance), and, sometimes a physical (e.g., tremors, cravings, or withdrawal symptoms) dependence on the effects of the alcohol and other drugs;

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"Director" means the Director of the Department of Alcoholism and Substance Abuse.

"Drunk and Drugged Driving Prevention Fund" (~~DUI Fund~~) means a special fund in the State Treasury created by Section 4-102 of the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6351-1 et seq. as added by P.A. 85-1304, effective January 1, 1989) out of which the Department may reimburse licensed DUI evaluation and remedial education programs that provide services to indigent DUI defendants pursuant to this Part, and which it may also use to enhance and support its regulatory inspections and investigations.

"DUI" means driving while under the influence of alcohol, other drugs or combination thereof as defined in Section 11-501 of the Illinois Vehicle Title & Registration Law (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 11-501) or a similar provision of a local ordinance.

"DUI defendant" means anyone arrested for driving while under the influence of alcohol, other drug, or a combination thereof as defined in Section 11-501 of the Illinois Vehicle Title & Registration Law: (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 11-501) or a similar provision of a local ordinance.

"DUI Service Reporting System (DSRS)" means the computer software that must be utilized by all licensed programs to summarize evaluation and remedial education service statistics semi-annually and to produce the "Alcohol and Drug Evaluation Uniform Report", the "DUI Remedial Education Certificate of Completion" and all other forms utilized to claim reimbursement from the Drunk and Drugged Driving Prevention Fund.

"Evaluation" means the professional evaluation to determine the nature and extent of the use of alcohol or other drugs as required by Section 5-4-1 of the Unified Code of Corrections (Ill. Rev. Stat. 1989, ch. 38, par. 1005-4-1) and Section 6-206.1 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 6-206).

"Evaluator" means the person qualified in accordance with Section 2056.320. or the person supervised by a qualified evaluator who performs the evaluation.

"Follow-up Services" means routine scheduled or unscheduled contact that begins after completion of treatment and occurs for a period of time and at least at specified intervals. Follow-up is for the purpose of offering the DUI defendant continuing assistance and activities designed to support or enhance goals achieved



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in treatment:

"Indigency Fee" means 10% of the rate established by the Department for the evaluation or remedial education service.

"Indigent DUI defendant" means anyone who has proven inability to pay the full cost of the DUI evaluation or remedial education as determined through criteria established by the program in conjunction with Department guidelines criteria specified in Section 2056-60(e) 2056.61 and whose uncollected costs for DUI services provided may be reimbursed to the program from the DUI fund Drunk and Drugged Driving Prevention Fund.

"Inspection" means the act of conducting interviews, record reviews, and physical observations by the Department at a program to assess compliance with Federal and State rules and regulations.

"Instructor" means the person qualified in accordance with Section 2056.415, or the person supervised by a qualified instructor who teaches remedial education.

"Level I - Non-Problematic - (Minimal Risk)" means the classification resulting from an alcohol and drug evaluation assigned to a DUI defendant who has no prior convictions or court-ordered supervisions for DUI, a blood alcohol concentration (BAC) at time of arrest of less than .20, and no other symptoms of alcohol or drug abuse or dependence within the past twelve months.

"Level I - Minimal Risk" means the classification resulting from an alcohol and drug evaluation assigned to a DUI defendant who has no prior conviction or court ordered supervision for DUI, and no prior statutory summary suspension and no prior reckless driving conviction reduced from a DUI; and a blood alcohol concentration (BAC) as a result of the arrest for DUI of less than .15, and no other symptoms of substance abuse or dependence.

"Level II - Problematic Use - (Moderate Risk)" means the classification resulting from an alcohol and drug evaluation assigned to a DUI defendant who has no prior conviction(s) or court-ordered supervision(s) for DUI, and a blood alcohol concentration (BAC) at time of arrest of .20 or higher and no other symptoms of alcohol or drug abuse within the past twelve months.

"Level II - Moderate Risk" means the classification resulting from an alcohol and drug evaluation assigned to a DUI defendant who has no prior conviction or court ordered supervision for DUI, and no prior statutory summary suspension and no

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prior reckless driving conviction reduced from a DUI; and a blood alcohol concentration (BAC) of .15 to .19 or a refusal of chemical testing as a result of the arrest for DUI and no other symptoms of substance abuse or dependence.

"Level II - Problematic Use - (Significant Risk)" means the classification resulting from an alcohol and drug evaluation assigned to a DUI defendant who has prior conviction(s) or court-ordered supervision(s) for DUI, and/or a blood alcohol concentration (BAC) of .20 or higher as a result of the most current arrest for DUI and/or other symptoms of alcohol or drug abuse.

"Level II - Significant Risk" means the classification resulting from an alcohol and drug evaluation assigned to a DUI defendant who has one prior conviction or court ordered supervision for DUI, or one prior statutory summary suspension or one prior reckless driving conviction reduced from a DUI and/or a blood alcohol concentration (BAC) of .20 or higher as a result of the most current arrest for DUI and/or other symptoms of substance abuse.

"Level III - Problematic Use - Dependent - (High Risk)" means the classification resulting from an alcohol and drug evaluation assigned to a DUI defendant with symptoms of alcohol and/or drug dependence.

"Level III - High Risk" means the classification resulting from an alcohol and drug evaluation assigned to a DUI defendant with symptoms of substance dependence and/or two prior convictions or court ordered supervisions for DUI or two prior statutory summary suspensions or two prior reckless driving convictions reduced from a DUI within the ten year period prior to the date of the most current (third) arrest.

"Program" means any individual, government or governmental subdivision or agency, corporation, partnership, or other business entity firm, business trust, estate, organization, or association acting individually or as a group which is licensed to operate one or more services.

"Risk" means the specific level (minimal, moderate, significant, or high) assigned to a DUI defendant which describes the defendant's probability of continuing to operate a motor vehicle in an unsafe manner. This level assignment is based upon the following factors:

the nature and extent of the defendant's alcohol and/or drug substance use;

the BAC level(s) as a result of the arrest(s) chemical testing results;



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prior dispositions for DUI, prior statutory summary suspension(s) or prior reckless driving conviction(s) reduced from a DUI;

and other factors which include any other physical, emotional and/or social dysfunction arising from the use of alcohol or other drugs substance use or dependence.

"Server" shall refer to an individual who is responsible for the management of, control of, or service to the patrons of an establishment which sells or serves alcoholic beverages at retail.

"Service" means: DUI evaluation; DUI remedial education; or BASSET.

"Substance Abuse" means a maladaptive pattern of psychoactive substance use indicated by at least one of the following:

continued use despite knowledge of having a persistent or recurrent social, occupational, psychological or physical problem that is caused or exacerbated by use of the psychoactive substance;

recurrent use in situations in which use is physically hazardous (e.g., driving while intoxicated);

Some symptoms of the disturbance have persisted for at least one month, or have occurred repeatedly over a longer period of time and there have never been any symptoms of substance dependence (DSM-III-R, 1987 with no subsequent revisions or amendments).

"Substance Dependence" means a pattern of use that meets at least three of the following criteria:

substance often taken in larger amounts or over a longer period than the person intended;

persistent desire or one or more unsuccessful efforts to cut down or control substance use;

a great deal of time spent in activities necessary to get the substance (e.g. theft), taking the substance (e.g. binge drinking), or recovering from its effects;

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frequent intoxication or withdrawal symptoms when expected to fulfill major role obligations at work, school, or home (e.g. does not go to work because hung over, goes to school or work "high," intoxicated while taking care of his or her children), or when substance use is physically hazardous (e.g., drives when intoxicated);

important social, occupational, or recreational activities given up or reduced because of substance use;

continued substance use despite knowledge of having a persistent or recurrent social, psychological, or physical problem that is caused or exacerbated by the use of the substance (e.g., keeps using alcohol despite family arguments about it, cocaine-induced depression, or having an ulcer made worse by drinking);

marked tolerance: need for markedly increased amounts of the substance (i.e., at least a 50% increase) in order to achieve intoxication or desired effect, or markedly diminished effect with continued use of the same amount;

Note: the following items may not apply to cannabis, hallucinogens, or phencyclidine (PCP):

characteristic withdrawal symptoms;

substance often taken to relieve or avoid withdrawal symptoms;

Some symptoms of the disturbance have persisted for at least one month, or have occurred repeatedly over a longer period of time. (DSM-III-R, 1987 with no subsequent revisions or amendments).

"Treatment" means a continuum of activities or services provided to persons addicted to or abusing alcohol or other drugs. Services or activities include intake, assessment, treatment planning, individual, group and/or family counseling, and discharge planning. Treatment shall occur in a program licensed to provide services pursuant to Licensure of Alcoholism and Substance Abuse Treatment, Intervention and Research Programs (77 Ill. Adm. Code 2058), or the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4400-1, et seq.), or the Hospital Licensing Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 142 et seq.) the Illinois Alcoholism and Other Drug Dependency Act or to individuals or programs who are otherwise licensed in Illinois to provide such services.



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(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

## Section 2056.5 Programs Subject to Licensure

- a) The programs which provide services pursuant to Section 2-101(1)(a) and (b) and (2)(a) and (b) of the Illinois Alcoholism and Other Drug Dependency Act, (the Act) (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6352-1 (1)(a) and (b) and (2)(a) and (b)) are subject to licensure by the Department under this Part.

- 1) Programs which conduct professional evaluations of DUI defendants to determine non-problematic or problematic use of alcohol or other drugs substance abuse or dependence and the corresponding risk level.

- 2) Programs providing remedial education courses to DUI defendants.

- 3) Programs designed to educate or train employees who sell or serve alcoholic beverages at retail (BASSET). However, only those rules specified in Subpart F apply to BASSET programming, to identify and address persons displaying problems with alcohol or other drug use.

- b) In addition, separate licensure shall be required for each DUI Evaluation or Remedial Education service in each location, in which the service is offered at least three days per week, even though they are operated by the same program.

- e) The Department shall be notified in writing of any location at which services are provided fewer than three days per week. Notice to the Department on the license application will fulfill this requirement.

- dc) Programs shall post the days and hours of operation at each location where any DUI Evaluation or Remedial Education services are provided. This information shall be readily visible at all times to those seeking services.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

## Section 2056.15 Proof of Licensure

- a) The license issued by the Department shall contain the name and address of the

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program, license number, authorized service and expiration date.

- b) The program shall, in a location providing visibility to any recipient of service(s), display the license at the program site. ~~A branch site which operates less than three days per week shall display a photocopy of the program's license.~~

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

## Section 2056.20 Change in Authorized Program Representative/Program or Services/Program Location

All programs shall notify the Department, in writing, within five working days when there is a new authorized program representative or any change in services: or if the program relocates.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

## Section 2056.25 Zoning and Physical Plant Requirements

At the time of application for licensure or license renewal, all programs providing DUI services shall submit documentation from the responsible unit of city or local government that the program site is in compliance with local zoning requirements: and all facilities shall comply with the physical plant requirements specified in 77 Ill. Adm. Code 2058, Subpart F, Section 2058.600 and 2058.610.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

## Section 2056.50 Documentation of Policies and Procedures Operations Manual

~~Each program shall maintain a written document which describes all current policies and procedures related to the provision of DUI services. All DUI staff members shall review annually the program policies and procedures and documentation of this review shall be maintained for all staff members. DUI evaluation and remedial education programs shall prepare and submit to the Department at the time of application for licensure or license renewal, a written operations manual which describes the structure and practical application of each DUI service and all current policies and procedures. All DUI staff members shall annually review the operations manual. Documentation of such review shall be maintained in the personnel file~~



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of each individual staff member.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

## Section 2056.55 Referral Procedures

The following provisions apply to all programs. However, programs located in a county with a population of more than one million persons shall not refer a DUI defendant into a treatment or remedial education service within the same program and shall not accept a DUI defendant into a treatment or remedial education service within the same program.

- a) Programs which provide evaluations to DUI defendants shall recommend referral of those individuals determined to be problematic users (Level II or III) to treatment programs licensed pursuant to the Illinois Alcoholism and Other Drug Dependency Act or to individuals or programs who are otherwise licensed in Illinois or any other state to provide such services.
- b) After a recommendation for treatment, each problematic defendant (Level II or III) shall be shown a directory which includes all Illinois licensed alcohol and drug treatment programs, and DUI remedial education programs.
- c) Remedial education referrals for defendants classified as Level I or II shall be to a remedial education program licensed by the Department pursuant to Subpart D.
- d) After a recommendation for remedial education each non-problematic defendant (Level I) shall be shown the statewide directory of licensed DUI remedial education providers programs compiled by the Department.
- e) After the appropriate directory referenced in subsections (b) and (d) has been shown, all DUI defendants shall attest to the fact that they have been shown this directory by signing the Department's "Referral List Verification Form" (IL-409-0170).
- f) Upon request by the DUI defendant, a treatment or remedial education service provider shall be provided a copy of the "Alcohol and Drug Evaluation-Uniform Report" form. This copy can be provided to the treatment or remedial education service provider only with the written consent of the DUI defendant.
- g) Upon request by the DUI defendant, the DUI service provider shall furnish a copy

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of the completed "Alcohol and Drug Evaluation-Uniform Report" form to the DUI defendant or any treatment or remedial education program specified by the DUI defendant. Release of this form must be in compliance with Section 2056-70(e).

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

## Section 2056.60 Service Fees

- a) Programs providing DUI evaluations and remedial education shall establish a fee policy. This fee policy shall include a schedule of charges for evaluations, remedial education, evaluation updates, presentation of court or hearing testimony and photocopying of evaluation or remedial education records. This fee policy shall also specify when full payment is expected. This fee policy must be presented to the defendant prior to any provision of services.
  - b) Programs shall provide alcohol and drug evaluation and remedial education services to indigent DUI defendants. Such services shall be provided on the same terms and conditions as required under this Part, regardless of ability to pay. After a review of the fee policy by the defendant, the program shall provide to each defendant a written fee schedule indicating the fee and any payment terms. A copy of this schedule, signed by the defendant, shall be given to the defendant and maintained in the defendant's record.
  - c) In order for a DUI defendant to be considered for a reduced or deferred evaluation or remedial education fee, the program must first determine whether the defendant meets any one of the following criteria:
    - 1) recipient of assistance under the Illinois Public Aid Code (Ill. Rev. Stat. 19879, ch. 23, par. 1-1 et seq.) or Title II or XVI of the Social Security Act (42 U.S.C. 401 et seq. or 1351 et seq.) (Social Security Disability); or,
    - 2) recipient of unemployment compensation pursuant to the Unemployment Insurance Act (Ill. Rev. Stat. 19879, ch. 48, par. 300 et seq.); or
    - 3) have a reported household annual income which falls within the Department's established guidelines as indicated in Appendix A of this Part.
- Programs must notify the Department, within five working days, of any change to their fee policy.



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- d) Any defendant meeting one or more of the criteria in subsection (c) shall complete the Department's "Qualification for DUI Services as an Indigent" Form IL-409-0199 for each type of service requested and provide documentation relative to income and assets, as determined by established program procedures. A copy of this application(s) shall be maintained in the DUI defendant's record. No program may be reimbursed from the DUI Fund for a client without this form in his record.
- e) Based upon other information collected on the "Qualification for DUI Services as an Indigent" Form IL-409-0199 and any other documentation required by the program, the defendant's ability to pay and the amount charged shall be determined by the program. In all cases, the minimum amount an indigent DUI defendant can be charged is 10% of the rate established by the Department for the service pursuant to Section 2056-61(e).
- f) Prior to the provision of DUI services, programs shall provide to each DUI defendant a written schedule of the determined fee and any payment terms. A copy of this form shall be maintained in the DUI defendant's record.
- g) This provision is not intended to restrict in any way a program's ability to collect fees from defendants who are able to pay.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

# Section 2056.61 DUI Fund Reimbursement Indigent Services and the Drunk and Drugged Driving Prevention Fund

## a) Qualifying Programs

Any licensed DUI evaluation or remedial education program which is in compliance with this Part is eligible for participation in the reimbursement program for indigent DUI defendants from the DUI Fund provided that it first:

- 1) enters into a DUI Fund Reimbursement Contract with the Department;
- 2) requires that any and all staff involved in the reimbursement invoice vouchering process read the Department's training manual on the process, and verifies that they have done so, and that any new staff shall read the manual prior to participating in the process.

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- 3) agree to audits by the Department of all financial records related to DUI Fund billing, reimbursement, and the underlying provision of services and collection of fees.

All programs shall provide alcohol and drug evaluation and remedial education services to DUI defendants determined to be indigent. Such services shall be provided on the same terms and conditions as required under this Part, regardless of ability to pay. In order for a DUI defendant to be determined indigent, and thereby qualify for the indigency fee, the defendant must provide documentation relative to dependents and income (as verified by the most recently filed Federal or State Income Tax Return). If the defendant was claimed as a dependent on a tax return filed by someone other than the defendant (as is frequently the case with many full-time students) a copy of that return must also be provided by the defendant and considered as income. If there has been any change to the defendant's income or dependent status since the last filing or if the defendant has never filed a tax return, the defendant must provide a notarized document attesting to current status.

## b) Eligible Clients

Such qualifying DUI programs may be reimbursed from the DUI Fund for uncollected costs of providing services to DUI defendants determined to be indigent under Section 2056-60(e) and (d), providing that form IL-409-0199 and appropriate supporting documentation is maintained in the client's file. "Supporting documentation" means any documentation used to verify and substantiate that a DUI defendant qualifies as an indigent pursuant to Section 2056-60(e) and (d). Once the defendant supplies proof of dependent and income status, the program must then complete the "Qualification for DUI Services as an Indigent" form for each type of service requested. A copy of the "Qualification for DUI Services as an Indigent" form and the Federal or State Income Tax Return and/or any other notarized documentation shall be maintained in the DUI defendant's record.

## c) Reimbursable Services

- 1) Services shall be reimbursed as follows:

- A) DUI evaluations, which shall be limited to one evaluation per defendant per DUI episode. For billing purposes the unit of service shall be a completed evaluation as described in Sections 2056.305 and 2056.325 regardless of the time it takes to meet those requirements for the DUI defendant.



B) DUI remedial education courses, which shall be limited to one completed course per defendant per DUI episode. For billing purposes the unit of service shall be one completed course as described in Section 2056-410. A program which offers a remedial education course as part of the required hours of alcohol and drug treatment pursuant to Section 2056-410(a), shall not be eligible to receive reimbursement for such remedial education course from the DUI Fund, if the program uses any public monies to provide any or all of said hours of alcohol and drug treatment.

2) A DUI episode as used herein shall mean a single DUI arrest.

Based upon the information supplied by the defendant and documented on the "Qualification for DUI Services as an Indigent" form and any other verifying documentation, the program shall determine if the defendant qualifies for the indigency fee.

d) Fee Collection

Programs shall make all reasonable efforts to collect fees from the defendant prior to requesting reimbursement. If a program collects more than 10% of the Department's rate for the service, it may not request reimbursement from the Department. If reimbursement is sought, the Department's payment (pursuant to subsection (c)) plus 10% of the Department's rate shall be considered full payment and collection efforts shall cease. Programs shall maintain any and all records of attempted collection from indigent DUI defendants (or third parties) for whom reimbursement has been sought, in the client's file, and shall allow the Department to inspect such records. When reimbursement is sought, the Department's payment (pursuant to subsection (c)) plus the amount collected from the defendant shall be considered full payment and collection efforts shall cease. Programs shall maintain any and all records of attempted collection from indigent DUI defendants (or third parties) for whom reimbursement has been sought, in the defendant's file, and shall allow the Department to inspect such records. In all cases the indigency fee shall be 10% of the rate established by the Department for the service.

e) Rate

The amount which the Department will reimburse service providers from the DUI Fund for each service shall be 90% of a cost-based rate established by the Department annually for the service, or the provider's usual and customary fee for the service minus 10% of the Department's rate, whichever is less. The rates shall

be generated through the application of formal methodologies specific to each service. Programs shall make all reasonable efforts to collect the indigency fee from the defendant prior to completion of the evaluation or remedial education service. However, if the fee is not collected from the indigent defendant by the completion of services, the evaluation or proof of remedial education documents must be released to the appropriate circuit court of venue in accordance with the provisions specified in Section 2056.330(b). The unassessed cost of the service can then be billed to the Department under the terms specified in subsection (f) through k) below.

f) Fiscal Auditing

1) The Department shall conduct post-billing audits of client eligibility and financial status. Department audits may be conducted on a random basis to survey program compliance with this Part or in response to complaints. If such audit reveals that the program has billed for an ineligible client, or a client who has paid more than 10% of the Department's rate for the service, the Department shall submit a demand for repayment showing why payment was improper. If repayment is not made within 15 days, the Department may begin procedures for sanctions under Section 3-105 of the Act unless the program has proven that payment was proper.

2) The Department shall conduct audits of indigent DUI client records for whom reimbursement was sought to determine if the services billed for were provided. Department audits may be conducted on a random basis to survey program compliance with this Part or in response to complaints. If services were not provided, the Department shall submit a demand for repayment showing why payment was improper. If repayment is not made within 15 days, the Department may begin procedures for sanctions under Section 3-105 of the Act unless the program has proven that payment was proper.

Any licensed DUI evaluation or remedial education program that is in compliance with this Part can submit claims to the Department for reimbursement from the Drunk and Drugged Driving Prevention Fund for services provided to indigent DUI defendants.

Such programs may be reimbursed from the Drunk and Drugged Driving Prevention Fund for the unassessed cost of providing services to DUI defendants who qualify for the indigency fee as specified in subsections (a) through (b), providing that the "Qualification for DUI Services as an Indigent" form is completed and the appropriate verifying documentation is obtained.



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Any program choosing not to submit claims to the Department for reimbursement from the Drunk and Drugged Driving Prevention Fund for services provided to DUI defendants who qualify for the indigency fee as specified in subsections (a) through b) must still provide services to those defendants and can only assess them the indigency fee as specified in subsection (d).

## g) Billing

Programs shall submit billings to the Department, on the "Monthly Invoice Summary" for Services to Indigent DUI Defendants" (IL-409-212) and "Report of Evaluation Service to Indigent DUI Defendant" (IL-409-213) and/or "Report of Remedial Education Service to Indigent DUI Defendant" (IL-409-214), supplied by the Department as follows:

- 1) Billings must be submitted to the Department on a monthly basis within thirty (30) days after the end of each month for services provided in such month.
- 2) Services to the indigent DUI defendant must be complete prior to billing. Billing for partial or incomplete services is not allowed.
- 3) Reimbursement shall be subject to availability of money in the DUI Fund. If limited money is available the Department may, upon reasonable notice to qualifying programs, give priority to reimbursement for evaluation services. The Department may, if required, give thirty (30) days notice to qualifying programs that reimbursement will be discontinued.
- 4) Should two bills be submitted for the same service for the same DUI defendant for the same episode, the first date of service alone shall be reimbursed.
- 5) In fiscal year 1989, reimbursement may be had for services provided on or after January 1, 1989 providing the program qualifies within a month after rules regarding the DUI Fund are promulgated, or June 30, 1989, whichever comes first. Thereafter, reimbursement may be had for services provided on or after the date on which the program qualifies. For services provided before the promulgation of rules regarding the DUI Fund, the monthly billing requirement in subsection (e)(1) is not applicable.

Services shall be reimbursed as follows:

- 1) DUI evaluations, shall be limited to one completed evaluation per defendant

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per DUI arrest. For billing purposes, the unit of service shall be a completed evaluation. The evaluation service shall be considered complete when the "Alcohol and Drug Evaluation Uniform Report" is completed by the program and is ready for the defendant signature. If the defendant refuses to accept or sign the "Alcohol and Drug Evaluation Uniform Report", the service is still considered complete for billing purposes.

- 2) DUI remedial education courses shall be limited to one completed course per defendant per DUI arrest. For billing purposes, the unit of service shall be one completed course. The remedial education course shall be considered complete when the defendant has successfully completed the course as specified in Section 2056.410. A program which offers a remedial education course in combination with the required hours of alcohol and drug treatment pursuant to Section 2056.410(a), shall not be eligible to receive reimbursement for such remedial education course from the Drunk and Drugged Driving Prevention Fund, if the program uses any public monies to provide any or all of said hours of alcohol and drug treatment.

- h) The amount which the Department will reimburse programs from the Drunk and Drugged Driving Prevention Fund for each service shall be 90% of a cost-based rate established by the Department annually for the service, or the program's usual and customary fee for the service minus 10% of the Department's rate (the indigency fee), whichever is less.

- i) Programs shall make all reasonable efforts to collect the indigency fee from indigent DUI defendants in accordance with the provisions specified in subsection (e). However, the Department's payment (pursuant to subsection (h)) plus 10% of the rate collected from the defendant, shall be considered full payment and collection efforts shall cease unless a specific exception to this provision has been granted by the Department or if the provision specified in subsection (k)(3) below is applicable. Programs shall maintain any and all records of attempted collection from indigent DUI defendants (or third parties) for whom payment has been sought, in the defendant's record, and shall allow the Department to inspect such records.

- j) The Department shall conduct post billing audits of defendant eligibility and financial status. Department audits may be conducted on a random basis to survey program compliance with this Part or in response to complaints. If such audit reveals that the program has billed for an ineligible defendant or a defendant has paid more than 10% of the Department's rate for the service (the indigency fee), the Department shall submit a demand for repayment showing why payment was improper. If repayment is not made within 15 days, the Department may begin



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procedures for sanctions under Section 3-105 of the Act unless the program has proven that the payment or collection procedures were proper.

The Department shall conduct audits of indigent DUI defendant records for whom reimbursement was sought to determine if the services claimed for reimbursement were provided. Department audits may be conducted on a random basis to survey program compliance with this Part or in response to complaints. If services were not provided, the Department shall submit a demand for repayment showing why payment was improper. If repayment is not made within 15 days, the Department may begin procedures for sanctions under Section 3-105 of the Act unless the program has proven that payment was proper.

k) Programs shall submit billings to the Department on the "Monthly Invoice Summary" and the "Report of Evaluation/Remedial Education Service to Indigent DUI Defendant" forms. These forms will be produced by the DUI Service Reporting System (DSRS). The following process must be adhered to:

- 1) Billings must be submitted to the Department on a monthly basis within thirty (30) days after the end of the month in which the services were completed.
- 2) Services to the indigent DUI defendant must be complete prior to billing. Billing for partial or incomplete services is not allowed.
- 3) Reimbursement shall be subject to availability of money in the Drunk and Drugged Driving Prevention Fund. If it appears that billings will exceed revenues, the Department may, upon reasonable notice to participating programs, give priority to reimbursement for evaluation services. The Department may, if required, give thirty (30) days notice to participating programs that reimbursement will be discontinued. If this discontinuation occurs, programs must then only meet the requirements specified in Section 2056.60.
- 4) Should two bills be submitted for the same service for the same DUI defendant for the same episode, the first date of service alone shall be reimbursed.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1993)

Section 2056.65 Informed Consent (Renumbered)

(Source: Renumbered to Section 2056.301 at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.70 Non-Disclosure Privilege (Renumbered)

(Source: Renumbered to Section 2056.303 at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.75 Sanctions

a) The Department may issue a written warning, place on probation, suspend, revoke, refuse to issue, or refuse to renew licenses. In addition the Department may discontinue a program from participation in ~~But~~ Drunk and Drugged Driving Prevention Fund reimbursement and may require repayment of money improperly paid out of the Fund. Opportunity for a hearing shall be granted in any instance other than when a written warning is issued. The Department ~~shall~~ may impose one or more of the sanctions listed above in any instance in which the program has:

- 1) failed to comply with any provision of the Act;
- 2) failed to comply with any provision of this Part or other applicable Parts;
- 3) falsified any information required to be submitted to the Department pursuant to this Part;
- 4) permitted staff members, who are not qualified pursuant to Sections 2056.320 or 2056.415, to perform DUI services;
- 5) failed to comply with any law or ordinance, after the program has been found guilty of the violation by the entity with subject matter jurisdiction over the alleged offense;
- 6) failed to provide reports to any Illinois circuit court in a timely manner, as prescribed by the rules of the court of venue;
- 7) been found to have been or be in violation of local zoning or fire code requirements;



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- 8) failed to comply with a Departmental request for information within 30 days;
  - 9) interfered with or obstructed a Department compliance inspection or a Department investigation, i.e., failed to sign the inspection notice or failed to provide information requested by the investigator or inspector;
  - 10) collected for services covered by the DUI Fund from both the defendant or a third party and the Department beyond what is allowed in Section 2056.61;
  - 11) refused to repay money which has been found to have been paid improperly from the DUI Drunk and Drugged Driving Prevention Fund after reasonable opportunity to repay has been given by the Department upon demand showing why payment was improper. Repayment shall not preclude the imposition of other appropriate sanctions;
  - 12) violated any contractual agreement with the Department.
- b) The sanction provisions as set forth in 77 Ill. Adm. Code 2058.905 are applicable to licensees under this Part.
- c) Hearings pursuant to this Section are governed by 77 Ill. Adm. Code 2058.900.
- d) In determining the type and severity of sanctions to be pursued by the Department, the Department shall employ the following standards:

- 1) degree with which licensee's conduct resulted in economic benefit to the licensee;
- 2) relative severity of licensee's conduct (as determined by the severity of associated criminal offenses for the same prescribed conduct);
- 3) licensee's past history of violations or compliance with the Act and provisions of this Part;
- 4) lack of mental element (as defined in Sections 4-4 through 4-7 of the Criminal Code of 1961 (Ill. Rev. Stat. 198791, ch. 38, pars. 4-4 through 4-7)) in the Act constituting the licensee's offense;
- 5) degree with which DUI program's services for DUI program defendants was affected or jeopardized by licensee's conduct;

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- 6) any other relevant factor to be examined in mitigation or aggravation of the licensee's conduct with respect to the severity of sanction sought by the Department.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

## SUBPART B: LICENSE FEES/APPLICATIONS/RENEWALS

## Section 2056.210 License Application Fees

- a) Application fees shall be due on application for each license pursuant to Section 2056.5. Application fees are not refundable. Payment shall be made by check or money order made payable to the Department of Alcoholism and Substance Abuse. Payment shall not be in the form of U.S. currency, foreign currency, or stamps. A separate check or money order shall be submitted for each application.

## b) Fees

- 1) The fee for application for a license is \$200.00.
- 2) The fee for application for renewal of a license is \$200.00.

- 3) ~~No application fee shall be required of any unit of local, State or Federal government.~~

Program relocation will require the submission of a relocation application and the payment of a \$200.00 relocation fee.

- 4) No application fee shall be required of any unit of local, State or Federal government.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

## Section 2056.215 Period of Licensure

Each license issued by the Department shall be effective for a period of two (2) years, ~~with the~~



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first license cycle beginning after January 1, 1988 and ending on June 30, 1990. Thereafter, licenses shall be issued on the same two year cycle.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

## Section 2056.225 Verification of Application Information

- a) The Department may verify the data furnished by a program in any application for licensure. Submission of an application carries implied consent to permit inquiry into the data furnished in any instance when an examination of submitted information discloses an anomaly or disparity in the information in comparison to other data submitted by other programs.
- b) The Department may investigate the background of staff members as required to assure that these individuals satisfy the licensing standards indicated in Subparts C and D, in any instance when an examination of submitted information discloses an anomaly or disparity in the information in comparison to other data submitted by other programs.
- e) ~~With the application for licensure, each staff member shall submit a "Schedule L Authorization for Verification" (IL-409-0168). Information obtained as a result of this verification process shall not be released to any party other than the DUI program, the Department, and the person who is being investigated. The authorization for verification shall remain in force and effect for as long as the person is employed by the program.~~

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

## SUBPART C: EVALUATION PROGRAMS

## Section 2056.301 Informed Consent (Renumbered)

~~Prior to provision of any evaluation service, each DUI defendant shall be given a copy of the Department's "Informed Consent Release" (IL-409-0204) form and a copy of the Department's information brochure, explaining the alcohol and drug evaluation process, which must be read by the defendant prior to the provision of any evaluation service explaining the alcohol and drug~~

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~~evaluation procedure. This The "Informed eConsent release" authorizes specifies that the program to will release any information provided by the DUI defendant to the circuit court of venue or the Office of the Secretary of State; and explains that the consent of the defendant is not required for this disclosure. The "Informed Consent" also requires the defendant to specify the name of the program where he/she underwent any previous evaluations as a result of the most current DUI offense and to provide a copy of such evaluations, if completed, to the current DUI evaluator. Each DUI defendant must sign the "Informed Consent" form indicating his/her understanding of the DUI evaluation process and disclosure requirements indicating consent or initial the "Informed Consent" form indicating refusal; to proceed with the evaluation, the "Informed Consent Release" and a copy of this form shall be filed placed in each the DUI defendant's record. file. If Informed Consent is refused, the defendant refuses to sign, or refuses to present copies of other evaluation(s) completed, notice of such refusal shall be sent to the circuit court of venue or the Office of the Secretary of State on the Department's "Notice of Incomplete/Refused Evaluation" form (IL-409-0165) and the evaluation will be terminated.~~

(Source: Renumbered from 2056.65 at 16 Ill. Reg. 15917, effective November 1, 1992)

## Section 2056.303 Non-Disclosure Privilege (Renumbered)

- a) Each DUI evaluation program shall establish written policies and procedures that protect the non-disclosure privilege of DUI defendants as specified in subsection (e).
- b) When all programmatic requirements have been met and the program deems the evaluation complete, the DUI evaluation program shall furnish a copy of the completed "Alcohol and Drug Evaluation Report Summary" form required by Section 6-206 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 198791, ch. 95 1/2, par. 6-206) for the purpose of granting judicial driving privileges to the circuit court of venue and any of its court officials, including the probation department, as specified by local court rules. The release of the evaluation form specified in Section 6-206.1 of the Illinois Driving Driver Licensing Law must be in accordance with subsection (e).
- c) When all programmatic requirements have been met and the program deems the evaluation complete, the DUI evaluation program shall also furnish a copy of the completed "Alcohol and Drug Evaluation Uniform Report" directly to the circuit court of venue, unless another court repository is specified by local court rules. If requested, a copy shall also be given to the DUI defendant. When an evaluation is being conducted for the Office of the Secretary of State, a copy of the completed



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"Alcohol and Drug Evaluation Uniform Report" shall be given to the DUI defendant to take directly to the informal or formal driver's license hearing.

- d) Notification of incomplete or refused evaluations shall be made as specified in Section 2056.330(d).
- e) No evaluation information shall be released to any party other than the DUI defendant, the Illinois circuit court of venue or its court officials as specified by local court rules, the Office of the Secretary of State or to the Department without the written consent of the DUI defendant.
- f) Any release of information relative to alcohol and drug treatment received by the DUI defendant requires the written consent of the defendant pursuant to 42 CFR 2 (1987g, with no later amendments or editions).

(Source: Renumbered from 2056.70 at 16 Ill. Reg. 15917, effective November 1, 1992)

## Section 2056.305 Evaluation Requirements

The evaluation program must design a format and structure to obtain all of the information required in this Section. This format must be submitted for review by the Department at the time of application for licensure or license renewal. The format must specify how many appointments are necessary to complete the evaluation and the approximate length of time (number of hours) necessary for the program to complete the evaluation service, delineating the amount of time spent directly with the defendant and that necessary to complete all paperwork. The format must also be designed to ensure collection of the following information:

## a) Data-collection Demographic Information

## 1) Demographic Information

The program shall collect the DUI defendant's name, address, phone number, sex, race, date of birth, age, driver's license number, social security number, marital status, education completed, employment status, qualified indigent status, county of residence and county of arrest.

## 2b) Alcohol/Drug Use or Abuse History

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An interview format shall be utilized to collect the following information:

- A1) Chronological history of the frequency, type and amount of alcohol/drug use or abuse.
- B2) Any change in the alcohol/drug use or abuse pattern and the reason for this change.
- C3) The extent to which the alcohol/drug use or abuse pattern has caused impairment in the following areas: marital, family, legal, social, emotional, vocational, physical and economic.
- D4) Defendant's description of driving history, specifically as it relates to alcohol/drug related offenses and chemical test results (BAC).
- E5) All prescribed and over-the-counter medications used currently or at the time of the most recent DUI arrest.
- F6) Prior history of alcohol or drug treatment and/or self-help group involvement.
- G7) Family history of alcohol or drug abuse.

## bc) External Criteria Objective Test

External criteria shall be obtained by the evaluator or supplied by the DUI defendant in order to corroborate verbal criteria given by the DUI defendant. This external criteria shall be obtained from the following two sources: The Mortimer/Filkins Test or the Driver Risk Inventory (DRI) shall be administered to every DUI defendant. A copy of the test shall be maintained in every DUI defendant's file and the score and/or classification from this test shall be recorded on the Department's "Alcohol and Drug Evaluation Uniform Report."

1) Objective Test—The Mortimer/Filkins Test Inventory (DRI) shall be administered to every DUI defendant. A copy of this test shall be maintained in every DUI defendant's file and the score and category from this test shall be recorded on the Department's "Alcohol and Drug Evaluation Uniform Report."

## 2d) Written Documentation External Criteria

The DUI defendant must provide the following before an evaluation can be completed:



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A1) Documentation of the defendant's driving record as indicated on a driving abstract or a summary of the driving abstract from the Office of the Secretary of State.

B2) A copy of the "law enforcement sworn report" (the document issued to the defendant at the time of the arrest for DUI) identifying the chemical test result (BAC) or the refusal to submit to chemical testing relative to the most current DUI arrest.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

## Section 2056.310 Evaluation Classifications

The information obtained during data collection and all external criteria the evaluation shall be reviewed and summarized on the "Alcohol and Drug Evaluation Uniform Report" in accordance with provisions specified in Section 2056.325. The defendant shall be classified in one of the following levels: Level I - Non-Problematic—(Minimal Risk); Level II - Problematic—Use—(Moderate or Significant Risk), Level III - Problematic—Use—Dependent—(High Risk).

a) Level I - Non-Problematic—Use—(Minimal Risk)

Defendants classified at this level must have:

- 1) no prior convictions or court ordered supervisions for DUI and no prior statutory summary suspension and no prior reckless driving conviction reduced from DUI and;
- 2) a blood alcohol concentration (BAC) at the time of arrest of less than .20 .15 as a result of the arrest for DUI and;
- 3) no other symptoms of alcohol or drug substance abuse or dependence within the past twelve months.

b) Level II - Problematic—Use—(Moderate or Significant Risk)

1) Moderate Risk

Defendants classified at this level must have:

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A) no prior conviction or court ordered supervision~~(s)~~ for DUI and; no prior statutory summary suspension and no prior reckless driving conviction reduced from DUI and;

B) a blood alcohol concentration (BAC) of .20 or higher at the time of arrest, .15 to .19 or a refusal of chemical testing as a result of the most current arrest for DUI and,

C) no other symptoms of alcohol or drug substance abuse within the past twelve months or dependence.

2) Significant Risk

Defendants classified at this level must have:

A) one prior conviction(s) or a court ordered supervision(s) for DUI and/or one prior statutory summary suspension or one prior reckless driving conviction reduced from DUI and/or,

B) a blood alcohol concentration (BAC) of .20 or higher as a result of the most current arrest for DUI and/or,

C) other symptoms of alcohol or drug substance abuse.

c) Level III - Problematic—Use—Dependent—(High Risk)

Defendants classified at this level must have: symptoms of alcohol and/or drug dependence.

- 1) Symptoms of substance dependence and/or,
- 2) two prior convictions or court ordered supervisions for DUI or two prior statutory summary suspensions or two prior reckless driving convictions reduced from DUI within a ten year period from the date of the most current (third) arrest.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.315 Evaluation Recommendations



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After a classification has been determined, a recommendation for intervention ~~shall be selected. One of the following levels shall be selected in accordance with the criteria specified below:~~

## a) Level I - Non-Problematic Use—(Minimal Risk)

Completion of a minimum of ten hours of alcohol and drug remedial education.

## b) Level II - Problematic Use—(Moderate Risk)

- 1) Completion of a minimum of ten hours of ~~alcohol and drug remedial education and a minimum of twelve hours of alcohol and drug substance abuse outpatient treatment~~ (group or individual).

## 2) Level II - Problematic Use—(Significant Risk)

Completion of a minimum of ten hours of alcohol and drug remedial education and a ~~minimum of twenty hours of substance abuse outpatient alcohol and drug treatment~~ (group or individual) followed by a minimum of fourteen hours of follow-up services ~~aftercare plan~~.

## c) Level III - Problematic Use—Dependent—(High Risk)

- 1) ~~Completion of an intensive outpatient or outpatient program (minimum of 75 hours) followed by a minimum of 22 hours of follow-up services or;~~

- 2) ~~Completion of a residential or inpatient program followed by a minimum of 22 hours of follow-up services.~~

For defendants with identified symptoms of dependence:

- 1) Completion of an intensive outpatient or outpatient substance abuse treatment program (minimum of 75 hours) followed by an aftercare plan or.

- 2) Completion of a residential or inpatient substance abuse treatment program followed by an aftercare plan.

For defendants without identified symptoms of dependence:

- 3) Completion of an outpatient treatment program (minimum of 75 hours) followed by an aftercare plan. The program must include

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further assessment and counseling designed to identify and change the disorder causing the high risk behavior. This assessment and counseling can include, but is not limited to, referrals for psychological testing, physical examinations and other appropriate mental health services designed to identify and reduce or eliminate the incidence of the high risk behavior.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1998)

## Section 2056.320 Qualifications and Training of Evaluators

- a) Staff members shall have no record of court supervision or conviction for DUI related offenses for at least a two year period prior to employment ~~nor shall any staff member or have been convicted of bribery, perjury, or official misconduct pursuant to Section 33-3 of the Criminal Code of 1961 (Ill. Rev. Stat. 19872, ch. 38, par. 33-3) for a ten year period prior to employment. Prior to the provision of any DUI service, each staff member shall submit a sworn affidavit (IL-409-180) and a Schedule K, (IL-409-0171) to the Department which indicates that he/she meets the requirements of this Section. The affidavit shall include the person's staff member's name, date of birth, address and social security number.~~

- b) Individuals who conduct alcohol and drug evaluations pursuant to Section 2-101(1)(a) and (b) and (2)(a) and (b) of the Act, shall meet at least one of the following criteria:

- 1) three years of directly supervised ~~or supervisory~~ work experience in alcohol/drug evaluation or treatment for a minimum of 30 hours per week, or
- 2) graduation from an accredited four year college or university with a degree in social or health sciences and one year of directly supervised ~~or supervisory~~ work experience in alcohol/drug evaluation or treatment for a minimum of 30 hours per week, or
- 3) graduation from an accredited university with a postgraduate degree in social or health science, and licensure by the Illinois Department of Professional Regulation as a physician pursuant to the Medical Practice Act of 198791 (Ill. Rev. Stat. 198791, ch. 111, par. 4400-1 et seq.), a social worker pursuant to the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 198791, ch. 111, par. 6301 et seq.) ~~as amended by P.A. 85-1045, effective~~



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January 1, 1989); or a psychologist pursuant to the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 198791, ch. 111, par. 5301 et seq.) as amended by P.A. 85-1305, effective January 1, 1989):

- 4) ~~Persons who fail to meet the experience requirements above may provide DUI services under the direct supervision of a person who is a qualified evaluator. Direct supervision means that the qualified evaluator reviews all written documentation and takes responsibility for its accuracy. The evaluation form must also be signed jointly by the qualified evaluator. Experience gained under direct supervision will be acceptable in meeting the experience requirements.~~

- c) All qualified evaluators ~~and those working under supervision~~ must attend one complete Basic DUI Orientation Training Session offered or approved by the Department during the first six months of employment or as otherwise required by the Department as a result of changes in the rules or for violations of the rules. Additionally, all qualified evaluators ~~and those working under supervision~~ must obtain twelve hours of DUI specific training annually; complete the Department's "DUI Self-Study Manual" during the first month of employment and attend an additional 12 hours of substance abuse training annually. Documentation of this training shall be maintained in the program's personnel records.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1997)

Section 2056.325 ~~Evaluation Form~~ Alcohol and Drug Evaluation Uniform Report

~~All programs shall type the A summary of the DUI evaluation must be documented on the Department's "Alcohol and Drug Evaluation Uniform Report" (IL-499-0200), which is produced by the DUI Service Reporting System (DSRS). The DSRS must be utilized to produce the "Alcohol and Drug Evaluation Uniform Report" and all sections of this form must be completed and it must be signed by the defendant prior to disposition. Disposition of this form shall meet requirements specified in Sections 2056.70303(c) and 2056.330(b).~~

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1997)

## Section 2056.330 Administrative Evaluation Programmatic Requirements

- a) Evaluator Qualifications

It is the responsibility of each program to ensure that all evaluators meet the requirements outlined in Section 2056.320 and of this Section. Prior to the provision of any DUI evaluation service, the authorized program representative shall submit, to the Department, a resume and a completed "Evaluator/Instructor Qualification" form for each staff member who will be providing services. This form attests that the evaluator meets the requirements specified in Section 2056.320 (a through b). After review and approval by the Department, a copy of the form will be returned to the program for inclusion in the personnel file for each staff member.

- b) Time requirements for submission of the evaluation form

Programs shall schedule and complete evaluations so that ~~conducting DUI evaluations shall furnish the completed "Alcohol and Drug Evaluation Report Summary" and the "Alcohol and Drug Evaluation Uniform Report" can be furnished to the circuit court of venue, and the DUI defendant at least five working days prior to the court date of Office of the Secretary of State hearing date, unless an earlier date is required by court rules.~~

- c) Court or hearing appearances

The evaluator shall be available to provide testimony when summoned by the circuit court of venue, the Office of the Secretary of State, or the DUI defendant.

- d) Incomplete evaluations

Programs shall require the DUI defendant to sign the "Alcohol and Drug Evaluation Uniform Report" before the report is sent to the circuit court of venue or given to the defendant. Evaluation programs shall notify the circuit court of venue or the Office of the Secretary of State, Department of Administrative Hearings within five working days, when DUI defendants fail to complete an evaluation or refuse to sign the evaluation. A DUI defendant will be considered to have failed to complete the evaluation process in instances such as failure to obtain the evaluation from the program, or not finishing the evaluation process. The evaluation program shall communicate this information by using the Department's "Notice of Incomplete/Refused DUI Evaluation" (IL-499-0165) form.

- e) Evaluation location



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All evaluations shall consist of a face to face individual interview. The evaluations must be conducted on the premises of the licensed program unless otherwise specified by the circuit court of venue.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1993)

## SUBPART D: REMEDIAL EDUCATION PROGRAMS

## Section 2056.405 Content of Remedial Educational Curriculum Requirements

The remedial education curriculum shall include:

- a) ~~a pre and post test;~~
- ~~ba)~~ information on alcohol as a drug;
- ~~eb)~~ physiological and pharmacological effects of alcohol and other drugs including the their residual impairment ~~of~~ on normal levels of driving performance;
- ~~dc)~~ other drugs, legal and illegal, and their effects on driving when used separately and/or in combination with alcohol;
- ~~ed)~~ ~~alcohol/alcoholism and drugs/drug-dependency~~ substance abuse/ dependence and their the effect on individuals and families;
- ~~fe)~~ blood alcohol concentration (BAC) level and its effect on driving performance;
- ~~fi)~~ information about Illinois driving under the influence laws and associated penalties.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1993)

## Section 2056.410 Remedial Education Course Requirements

- a) Remedial education courses shall include a minimum of ten hours of classroom instruction, divided into at least four sessions held on different days. No session shall exceed three hours in length. However, the ten hours of remedial education

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required for defendants classified as Level II - ~~Problematic~~ Use Moderate or Significant Risk may be offered ~~in conjunction~~ as a combined program with the required hours of alcohol and drug treatment. Programs offering this type of service must be at least 22 hours in length for Moderate Risk and 30 hours in length for Significant Risk and meet the treatment licensure requirements specified in Section 2056.55(a), ~~and Programs must also provide a specific curriculum for this type of programming, which incorporates the requirements of in this Sections and 2056.405 and 2056.410(b)-(e), to the Department at the time of application for licensure, and if already licensed, prior to the provision of services.~~

- b) Remedial education programs shall design a pre test and post test and administer it to participants to assess the program's effectiveness and any increase in knowledge in the curriculum areas. The pre test and post test must be submitted for review by the Department at the time of application for licensure or license renewal.

- ~~bc)~~ In order to successfully complete remedial education, defendants shall:

- 1) attend each session in its entirety and in proper sequence;
- and
- 2) ~~shall~~ achieve a score on the post test of at least 75 %.

Upon successful completion of the remedial education course, the program must issue a "DUI Remedial Education Certificate of Completion", which is produced by the DUI Service Reporting System (DSRS), to each defendant. The DSRS must be utilized to produce the "DUI Remedial Education Certificate of Completion", all sections of this form must be completed and must be signed by the DUI Remedial Education Instructor.

- ~~ed)~~ Audio-visual presentations shall not comprise more than 25 % of the total class time.
- ~~de)~~ Class size shall be in conformance with local fire and safety codes, and in no event shall more than 24 students be permitted in any one class session.
- ~~ef)~~ Remedial education programs shall develop and provide to each DUI defendant, upon enrollment, written procedures governing the following:

- 1) criteria for admission into the program;
- 2) criteria for disqualification from the program;
- 3) responsibilities of DUI defendants;



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- 4) sobriety and drug-free requirements during class;
- 5) course outline, content, costs and class schedules;
- 6) ~~referral back~~ written notification to the evaluation program when it is discovered that in cases in which the defendant recognizes a need for treatment or a modification to the current treatment recommendation.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1993)

## Section 2056.415 Qualifications and Training of Remedial Education Instructors

- a) Staff members shall have no record of court supervision or conviction for a ~~DUI-related offense~~ for at least a two year period prior to employment; ~~nor shall any staff member or have been convicted of bribery, perjury, or official misconduct pursuant to Section 33-3 of the Criminal Code of 1961 for a ten year period prior to employment. Prior to the provision of any DUI service, each staff member shall submit a sworn affidavit to the Department which indicates that he/she meets the requirements of this Part. The affidavit shall include the person's staff member's name, date of birth, address and social security number.~~
- b) Each instructor shall:
  - 1) Possess a baccalaureate degree in education or certification as a teacher by the Illinois State Board of Education or,
  - 2) ~~Have been employed for a period of at least one year as an instructor of DUI remedial education. Have been employed for a period of at least one year in the provision of substance abuse treatment or education services for a minimum of thirty (30) hours per week.~~
- c) ~~Persons who fail to meet the requirements mentioned above may provide DUI remedial education under the direct supervision of a person who is a qualified instructor. Direct supervision means that the qualified instructor, through visual observation of more than one session, attests that the trainee is able to present the subject matter taking responsibility for written documentation through signatory approval.~~
- d) All qualified instructors and those working under supervision must attend one Basic

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DUI Orientation Training Session offered or approved by the Department during the first ~~year~~ six months of employment or as otherwise required by the Department as a result of changes in the rules or for violations of the rules. Additionally, ~~each~~ all qualified instructors ~~and those working under supervision~~ must complete the Department's DUI Self-Study Manual during the first month of employment and obtain an additional twelve hours of ~~DUI-specific~~ substance abuse training annually. Documentation of this training shall be maintained in the program's personnel records.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

## Section 2056.420 Remedial Education Programmatic Requirements

## a) Instructor Qualifications

It is the responsibility of each program to ensure that all DUI remedial education instructors meet the requirements of Section 2058.415 and of this Section. Prior to the provision of any DUI remedial education service, the authorized program representative shall submit to the Department, a resume and a completed "Evaluator/Instructor Qualification" form for each staff member who will be providing such services. This form attests that the instructor meets the requirements specified in Section 2056.415 (a through b). After review and approval by the Department, a copy of the form will be returned to the program for inclusion in the personnel file for each staff member.

## b) Involuntary Termination

DUI remedial education programs shall notify the circuit court of venue within five working days of defendants who have been involuntarily terminated from a remedial education course. Programs shall communicate this information by using the Department's "Notice of Involuntary Termination from a DUI Remedial Education Program" (IL-409-0166).

## c) Court or Hearing Appearance

The instructor shall be available to provide testimony when summoned by the circuit court of venue, the Office of the Secretary of State or the DUI defendant.

## d) Prior to enrollment in remedial education classes, the DUI defendant must provide



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a copy of his or her completed "Alcohol and Drug Evaluation Uniform Report" form indicating that this service has been recommended. If remedial education classes are provided, a copy of this "Alcohol and Drug Evaluation Uniform Report" form must then be maintained in the defendant's record.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

## SUBPART E: EVALUATIONS AND REMEDIAL EDUCATION/RECORDS AND REPORTS

## Section 2056.500 Defendant Records (Evaluation)

The following documents for each DUI defendant shall be maintained for a minimum of five years, shall be filed and available for inspection by the Department. The record shall contain, but is not limited to:

- a) a copy of the Department's "Alcohol and Drug Evaluation Uniform Report" and narrative information to support the summary data collected relative to Section 2056.305(ab), and a copy of the "Alcohol and Drug Evaluation Report Summary" if the defendant is requesting judicial driving privileges or if required by Court rule;
- b) a copy of scored the Mortimer/Filkins Test score and category or the Driver Risk Inventory (DRI) report and copies of any other objective tests administered;
- c) copies of any updates changes or amendments to the original evaluation;
- d) a copy of the "Informed Consent Release" (IL-409-0204) form and, if the defendant has previously undergone or is undergoing treatment, any consent to release treatment information;
- e) a copy or summary of the defendant's driving record and chemical test(s) result(s);
- f) a copy of "Notification of Incomplete or Refused Evaluation" (IL-409-0165) form, if the DUI defendant refuses or does not complete the evaluation process;
- g) a copy of the "Referral List Verification" Form" (IL-409-0170);
- h) copies of any other external corroborative information obtained such as police arrest

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reports and discharge summaries;

- i) a copy of the "Qualification for DUI Services as an Indigent" form (IL-409-0199) and a copy of the most recently filed Federal or State Income Tax Return or any other notarized document attesting to any change in status supporting documentation, as defined at in Section 2056.61(a through b), if the DUI defendant has qualified for the indigency fee in accordance with Section 2056-60;
- j) a written schedule of the determined fee, signed by the defendant, for the evaluation and any payment terms.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992.)

## Section 2056.505 Defendant Records (Remedial Education)

The following documents for each DUI defendant shall be maintained for a minimum of five years and shall be available for inspection by the Department. The record shall contain, but is not limited to:

- a) name, address, age, date of birth, sex, dates of attendance/completion of services, driver's license number a copy of the "Alcohol and Drug Evaluation Uniform Report" form;
- b) pre and post tests results in percentage scores;
- c) attendance/completion data including a copy of any the "DUI Remedial Education Certificate of eCompletion" issued;
- d) a copy of "Notice of Involuntary Termination from a Remedial Education Program" form (IL-409-0166), if the defendant has been involuntarily terminated from the program;
- e) a copy of the "Qualification for DUI Services as an Indigent" form (IL-409-0199) and a copy of the most recently filed Federal or State Income Tax Return or any other notarized document attesting to any change in status supporting documentation, as defined at in Section 2056.61(a through b), if the DUI defendant has qualified for the indigency fee a reduced or deferred fee in accordance with Section 2056-60;
- f) a written schedule of the determined fee, signed by the defendant, for remedial education and any payment terms.



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(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992.)

Section 2056.510 Program Records (Repealed)

The following program records shall be maintained for a minimum of five years and shall be available for inspection by the Department:

- a) the total number of DUI defendants served, categorized by type of service (evaluation or remedial education);
- b) the total number of DUI defendants requiring special assistance (e.g., language interpreters or handicapped drivers assistance);
- c) gross fees collected for DUI services, categorized by type of service (evaluation or remedial education);
- d) gross fees collected from indigent DUI defendants, categorized by type of service (evaluation or remedial education), along with records of all attempted collection from the client (or third parties) and any and all "Monthly Invoice Summary for Services to Indigent DUI Defendants" (IL 409-212) and "Report of Evaluation Service to Indigent DUI Defendant" (IL 409-213) and/or "Report of Remedial Education Service Provided to Indigent DUI Defendant" (IL 409-214), submitted to the Department by the program;
- e) the number of "Notice of Incomplete/Refused Evaluation" forms processed;
- f) the number of "Notice of Termination from a Remedial Education Program" forms processed;

(Source: Repealed at 16 Ill. Reg. 15917, effective November 1, 1992)

## Section 2056.515 Personnel Records

The following documents shall be contained in each personnel record and be maintained for a minimum of five years and shall be available for inspection by the Department:

- a) a copy of the "Schedule K—Staff Member Information and Qualifications"

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(IL 409-0174) approved "Evaluator/Instructor Qualification" form;

- b) ~~a copy of the "Schedule L—Authorization for Verification" (IL 409-0168);~~
- c) ~~a copy of the "Affidavit of Compliance" (IL 409-0180);~~
- db) a copy of the application for employment;
- ec) documentation of education and experience, i.e., a resume;
- fd) documentation of employment history, i.e., a resume;
- ge) documentation of training required under Sections 2056.330(c) and 2056.415(d), i.e., certificates of training.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992.)

Section 2056.525 Submission of Reports and Required Forms DUI Service Reporting System (DSRS)

- a) On a quarterly basis, DUI evaluation programs shall prepare and submit the Department's "DUI Statistical Reporting Form" (IL 409-0202) summarizing data contained on each completed "Alcohol and Drug Evaluation Uniform Report" form and "Qualification for DUI Services as an Indigent" form and all other information required in Section 2056.510. All programs must utilize the DUI Service Reporting System (DSRS) to summarize evaluation and remedial education services and to produce the following forms:

- 1) "Alcohol and Drug Evaluation Uniform Report"
- 2) "Qualification for DUI Services as an Indigent"
- 3) "Report of Evaluation/Remedial Education Service to Indigent DUI Defendant"
- 4) "Monthly Invoice Summary"
- 5) "DUI Remedial Education Certificate of Completion"

- b) All DUI evaluation and DUI remedial education programs shall notify the Department of any staff changes and will submit form "Schedule K" and form "Schedule L" for any new staff members prior to the provision of DUI services. On a semi-annual basis, DUI programs shall prepare and submit the Department's DUI



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Service Reporting System (DSRS) computer disk summarizing statistics from evaluation and remedial education services.

- e) All reports and forms referenced above shall be submitted to:

Illinois Department of Alcoholism and Substance Abuse  
222 South College—2nd Floor  
Springfield, Illinois 62704  
Attention: DUI Section

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1993)

SUBPART F: BEVERAGE ALCOHOL SELLERS AND SERVERS  
EDUCATION AND TRAINING (BASSET) PROGRAMS

Section 2056.600 Purpose of Beverage Alcohol Sellers and Servers Education and Training (BASSET)

A BASSET Program shall provide information to the servers and sellers of alcoholic beverages on the effects of alcohol/drug use and provide the necessary skill development techniques to avoid problems of patron misuse.

The purpose of a BASSET program is:

- to provide information to sellers and servers of alcoholic beverages about the effects of alcohol and drug use and abuse, and
- to provide the necessary skill development techniques to identify and/or intervene with patron use problems thereby reducing the incidence of patron misuse.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.601 License Applications

- Application forms may be obtained by writing to the Department of Alcoholism and Substance Abuse, 222 South College Street, 2nd Floor, Springfield, Illinois, 62704. Attention: DUI Section.

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- Application forms shall be signed and dated.

(Source: Added at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.603 Renewal Applications

- The Department shall provide each licensed program with a renewal application at least 60 days prior to expiration of the license. Notification to the Department must be given if license renewal forms are not received.
- Applications for renewal must be received by the Department not less than 30 days prior to expiration of the license, in order to guarantee that the renewal process is complete prior to expiration.
- Applications for renewal shall be signed and dated.

(Source: Added at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.605 BASSET Curriculum Requirements

The program shall submit its curriculum to the Department for review to determine compliance with this rule at the time of application for licensure. The curriculum shall include, at a minimum, information in the following areas of instruction:

- DUI laws;
- Dram Shop laws;
- insurance coverage and liability;
- local ordinances related to the selling and serving of alcoholic beverages;
- victim's rights/compensation;
- vehicular homicide/manslaughter laws;
- identification of false I.D. cards and procedures for notifying law enforcement



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## agencies:

- b) Instruction shall be provided on any available community support programs such as "designated driver" initiatives;
- c) Instruction shall be provided on the effects of alcohol and/or drugs on driving performance and blood alcohol concentration (BAC) levels related to body weight, sex, and amount of alcohol consumed per hour;
- d) The BASSET program shall instruct sellers and servers of alcoholic beverages in the techniques of recognizing signs and symptoms of alcohol/drug intoxication;
- 1) The information provided during the training session shall incorporate visual and behavioral cues that may help servers to recognize patrons who are likely to become intoxicated;
- 2) The curriculum shall delineate the factors affecting intoxication;
- e) The curriculum shall address the special problems associated with different types of drinking establishments such as:

- 1) discotheques;
- 2) entertainment bars;
- 3) adult entertainment bars;
- 4) restaurants;
- 5) neighborhood taverns;
- 6) sporting events;
- 7) concerts or other mass entertainment events;

a) AREA 1:

PHYSICAL PROPERTIES OF ALCOHOL, DRUGS & ALCOHOLISM - Blood alcohol concentration, alcoholism, the effects of alcohol and/or drugs on driving performance. BAC levels related to body weight, gender and amount of alcohol consumed per hour.

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b) AREA 2:

PREVENTION & INTERVENTION TECHNIQUES - Maintenance of professional demeanor, use of alternative beverages, designated driver programs, visual and behavioral cues that may help participants recognize potential problems, assuring customer safety, refusal of service.

c) AREA 3:

ILLINOIS STATE STATUTES, LOCAL ORDINANCES, ILLINOIS DUI LAWS - Laws pertaining to the sale of alcohol and the differences between civil and criminal charges and the penalties each carries, Illinois DUI laws and associated penalties.

d) AREA 4:

PROPER IDENTIFICATION TECHNIQUES, POLICE POLICIES & EXPECTATIONS - Secretary of State's procedures to ensure security of driver's licenses and State ID cards, other acceptable forms of identification and enhanced identification techniques. Proper use of municipal support services (police, fire, and paramedic services).

e) AREA 5:

DRAM SHOP LIABILITIES, INSURANCE, AND VICTIM'S RIGHTS - "Vicarious liability", "third party liability", procedures for protection against possible litigation, state insurance requirements and legal terms used in litigation.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

Section 2056.607 License Fees

- a) Application fees shall be due on application for each license. Application fees are not refundable. Payment shall be made by check or money order made payable to the Department of Alcoholism and Substance Abuse. Payment shall not be in the form of U.S. currency, foreign currency, or stamps. A separate check or money order shall be submitted for each application.

b) Fees



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- 1) The fee for application for a license is \$200.00.
- 2) The fee for application for renewal of a license is \$200.00.
- 3) No application fee shall be required of any unit of local, State or Federal government.

(Source: Added at 16 Ill. Reg. 15917, effective November 1, 1992)

## Section 2056.610 BASSET Programmatic Requirements

- a) BASSET programs shall administer a pre-test and post-test to participants to assess the program's effectiveness and any increase in the sellers' and servers' knowledge of the training areas.  
The BASSET program shall include a minimum of six (6) hours of classroom instruction. This instruction may be offered in one entire session or scheduled in increments over a specified period of time.
- b) BASSET programs shall issue a certificate to each participant that it determines has successfully completed the course.

At the time of application for licensure, the program must specify how the required curriculum hours will be scheduled.

- c) BASSET programs shall design and administer a pre test and post test to participants to assess the program's effectiveness and any increase in knowledge in the curriculum areas. The pre test and post test must be submitted for review by the Department at the time of application for licensure or prior to the provision of services.
- d) BASSET programs shall issue a certificate to each participant that it determines has successfully completed the course.
- e) BASSET programs shall submit at the time of licensing a listing of all BASSET instructors and, after licensure, notify the Department of any change in instructors and the completion date of training (as specified in Section 2056.660) for each instructor.
- f) BASSET programs shall compile and submit, on a format designed by the

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF ADOPTED AMENDMENTS

Department a semi-annual report containing the following information:

- 1) The number of participants trained during the reporting period.
- 2) The number of BASSET courses scheduled and completed during the reporting period and the location of each course.
- 3) The total fees charged for BASSET training per course during the reporting period.
- 4) The number of businesses represented by participants completing BASSET programs and the respective counties of those businesses.

- g) BASSET programs shall maintain a record of all participants who successfully complete BASSET training for a minimum of one year.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)

## Section 2056.615 BASSET Recordkeeping/Reports (Repealed)

- a) BASSET programs shall prepare and submit the following reports to the Department within 45 days after the expiration of the previous license:
  - 1) A list of all businesses that have participated in the BASSET training during the year.
  - 2) The number of sellers and servers trained during the year.
  - 3) The total fees charged for BASSET training.
- b) BASSET programs shall maintain a record of all participants who successfully complete BASSET training for a minimum of one year.

(Source: Repealed at 16 Ill. Reg. 15917, effective November 1, 1992)

## Section 2056.620 Period of Licensure



## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF ADOPTED AMENDMENTS

Each license issued by the Department shall be effective for a period of two years. Thereafter, licenses shall be issued on the same two year cycle.

(Source: Added at 16 Ill. Reg. 15917, effective November 1, 1992.)

## Section 2056.625 Acceptance for Processing

- a) Application for licensure, or renewal of licensure are deemed received by the Department on the postmarked date.

- b) Incomplete applications shall be returned to the applicant with a statement which lists the information which must be included. To avoid imposition of a new licensure fee, the application shall be resubmitted within 90 days of the date of the statement.

(Source: Added at 16 Ill. Reg. 15917, effective November 1, 1992.)

## Section 2056.630 Non-Transferability of License

A license shall be valid only for the program named in the application for license. A license is not transferable or assignable to any new owner.

(Source: Added at 16 Ill. Reg. 15917, effective November 1, 1992.)

## Section 2056.635 Change in BASSET Program Director or Services

All programs shall notify the Department, in writing, within five working days when there is a new program director or any change in services.

(Source: Added at 16 Ill. Reg. 15917, effective November 1, 1992.)

## Section 2056.640 Exceptions for BASSET Programs

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF ADOPTED AMENDMENTS

- a) Requests for exceptions to any provision of Subpart F shall be made to the Director, in writing, and shall indicate the basis, rationale, and/or need for the exception.

- b) Any exception granted by the Director shall expire automatically at the end of the license period in which it was granted.

- c) The Department shall revoke any exception granted where the circumstances which gave rise to the exception no longer exist. The program shall notify the Department in writing within ten (10) working days when the circumstances which gave rise to the exception no longer exist.

(Source: Added at 16 Ill. Reg. 15917, effective November 1, 1992.)

## Section 2056.645 Compliance With Local Government Ordinances

Programs shall comply with any applicable local government ordinances relative to the provision of BASSET services, if applicable, and shall indicate such compliance at the time of application for licensure.

(Source: Added at 16 Ill. Reg. 15917, effective November 1, 1992.)

## Section 2056.650 BASSET Program Fee

Programs shall submit, at the time of application or renewal of licensure, a fee schedule indicating the cost, if any, of the BASSET program. The program must notify the Department within five working days, of any change to the fee schedule.

(Source: Added at 16 Ill. Reg. 15917, effective November 1, 1992.)

## Section 2056.655 Sanctions

- a) The Department may issue a written warning, place on probation, suspend, revoke, refuse to issue, or refuse to renew licenses. Opportunity for a hearing shall be granted in any instance other than when a written warning is issued. The Department may impose one or more of the sanctions listed above in any instance



## ILLINOIS REGISTER

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF ADOPTED AMENDMENTS

in which the program has:

- 1) failed to comply with any provision of the Act;
- 2) failed to comply with any provision of this Part or other applicable Parts;
- 3) falsified any information required to be submitted to the Department pursuant to this Part;
- 4) failed to comply with any law or ordinance, after the program has been found guilty of the violation by the entity with subject matter jurisdiction over the alleged offense;
- 5) failed to comply with a Departmental request for information within 30 days;
- b) Hearings pursuant to this Section are governed by 77 Ill. Adm. Code 2058.900.
- c) In determining the type and severity of sanctions to be pursued by the Department, the Department shall employ the following standards:

- 1) degree with which licensee's conduct misrepresented the purpose and/or benefit of BASSET programming resulting in economic benefit to the licensee;
- 2) relative severity of licensee's conduct;
- 3) licensee's past history of violations or compliance with the Act and provisions of this Part;
- 4) any other relevant factor to be examined in mitigation or aggravation of the licensee's conduct with respect to the severity of sanction sought by the Department.

(Source: Added at 16 Ill. Reg. 15917, effective November 1, 1992)

## Section 2056.660 BASSET Instructor Training

Each BASSET Instructor shall attend one Basic BASSET Instructor Training Session offered or approved by the Department within the six month period directly following the effective date of

## ILLINOIS REGISTER

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF ADOPTED AMENDMENTS

the program license. Thereafter, any new BASSET instructors must attend this training during the first six months of employment. It is the responsibility of each Program Director to ensure that all BASSET Instructors meet the training requirements of this section.

(Source: Added at 16 Ill. Reg. 15917, effective November 1, 1992)

## SUBPART G: COMPLAINTS/INSPECTIONS/INVESTIGATIONS

## Section 2056.705 Inspections

The Department shall conduct inspections of programs licensed under this Part to enforce compliance with the rules under this Part. Department inspections shall be conducted on a random basis to survey program compliance with this Part or in response to complaints made to the Department concerning a program licensed by this Part. Upon issuance of a "Notice of Inspection" (IL-409-0167) and presentation of Department credentials, inspectors Compliance Officers of the Department shall be permitted access to inspect all areas and records of the program except financial and business records that are confidential or privileged. Defendant fee charges and collection records are not considered confidential or privileged for this purpose.

(Source: Amended at 16 Ill. Reg. 15917, effective November 1, 1992)



Other Income, Investments, Stocks, and

Bonds: \_\_\_\_\_

Other

Assets: \_\_\_\_\_

Own Home? Yes \_\_\_\_\_ No \_\_\_\_\_

Total Household Income: \_\_\_\_\_

WILLIAM T. ATKINS DIRECTOR

QUALIFICATION FOR DUI SERVICES AS AN INDIGENT

|                                   |       |         |
|-----------------------------------|-------|---------|
| NAME LAST                         | FIRST | INITIAL |
| STREET ADDRESS                    |       |         |
| CITY                              | STATE | CODE    |
| PHONE NO. ( ) DRIVERS LICENSE NO. |       |         |
| DUI PROGRAM NAME                  |       |         |
| DUI LICENSE NO.                   |       |         |

|                               |            |        |
|-------------------------------|------------|--------|
| Present Employer              | Occupation | Salary |
| Most Recent Previous Employer | Occupation | Salary |
| Spouse Employer               | Occupation | Salary |

APPENDIX A QUALIFICATION FOR DUI SERVICES AS AN INDIGENT

STATE OF ILLINOIS  
DEPARTMENT OF  
ALCOHOLISM AND  
SUBSTANCE ABUSE

DUI UNIT  
222 South College  
2nd Floor  
Springfield, Illinois 62704  
(217) 782-0685

| TOTAL<br>HOUSEHOLD ANNUAL<br>INCOME IN DOLLARS | HOUSEHOLD SIZE |   |   |   |           |
|--|----------------|---|---|---|-----------|
|  | 1              | 2 | 3 | 4 | 5 OR MORE |
| \$ 0 TO \$ 8,000                               |                |   |   |   |           |
| 8,001 TO 9,250                                 |                |   |   |   |           |
| 9,251 TO 10,500                                |                |   |   |   |           |
| 10,501 TO 11,750                               |                |   |   |   |           |
| 11,751 TO 13,000                               |                |   |   |   |           |
| 13,000 TO UP                                   |                |   |   |   |           |

If check is above heavy line, defendant meets financial eligibility for indigent services.

SPECIFY TYPE OF SERVICE: EVALUATION ☐ REMEDIAL EDUCATION ☐

|              |
|--------------|
| Standard Fee |
|--------------|

|               |
|---------------|
| Determine Fee |
|---------------|

|                  |
|------------------|
| Payment Schedule |
|------------------|

Indigent DUI Applicant \_\_\_\_\_ Date \_\_\_\_\_ Public Defender (Cook County Only) \_\_\_\_\_ Date \_\_\_\_\_

IMPORTANT NOTICE: The Department of Alcoholism and Substance Abuse is requesting disclosure of information that is necessary to accomplish purposes outlined in the Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1987, ch. 111-1/2, par. 6351-1 et seq.). Failure to provide this



## NOTICE OF ADOPTED AMENDMENTS

information may result in the suspension or revocation of your license to provide DUI services in Illinois. Form approved by the State Forms Management Center. (IL-409-0199) 1/89

(Source: Repealed at 16 Ill. Reg. 15917, effective November 1, 1992

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Americans With Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 375
- 3) Section Numbers: Adopted Action:

|        |             |
|--------|-------------|
| 375.10 | New Section |
| 375.20 | New Section |
| 375.30 | New Section |
| 375.40 | New Section |
| 375.50 | New Section |
| 375.60 | New Section |
| 375.70 | New Section |
- 4) Statutory Authority: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 48(6) of the Illinois Banking Act (Ill. Rev. Stat. 1991, ch. 17, par. 359(6)) and Section 6(a) of the Commissioner of Banks and Trust Companies Act (Ill. Rev. Stat. 1991, ch. 17, par. 456(a)).
- 5) Effective date of Rule: October 5, 1992
- 6) Does this rulemaking contain an automatic repeal date?  
Yes X No
- 7) Does this rule contain incorporation by reference? No.
- 8) Date filed in Agency's principal office: September 28, 1992.
- 9) Notice of Proposal Published in Illinois Register: March 20, 1992, 16 Ill. Reg. 4125.
- 10) Has JCAR issued a Statement of Objections to this Rule? No.
- 11) Differences between proposal and final version: The following changes were made in agreement with JCAR and the Code Division:  
  

The heading of the Part was changed from "Procedures" to "Procedure."

In Section 375.50(f), the citation was changed from State Records Act, Ill. Rev. Stat. 1989, ch. 116, par. 43.3 et seq., to State Records Act (Ill. Rev. Stat. 1991, ch. 116, par. 43.3 et seq.).

The Agency made other nonsubstantive corrections throughout this Part.



## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF ADOPTED RULES

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
Yes.
- 13) Will this rule replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rules: As required by the Americans With Disabilities Act of 1990, these rules establish a procedure whereby qualified persons with disabilities may resolve allegations of denial of public services on the basis of disability.
- 16) Information and questions regarding this adopted rule shall be directed to:

Name: Bruce J. Baker  
General Counsel

Address: Commissioner of Banks and Trust Companies  
310 South Michigan Avenue, Suite 2130  
Chicago, Illinois 60604

Telephone: (312) 793-2043

The full text of the Adopted Rules begins on the next page:

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF ADOPTED RULES

TITLE 4: GRIEVANCE PROCEDURES  
CHAPTER XII: COMMISSIONER OF BANKS AND TRUST COMPANIES

## PART 375

## AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

|         |                              |
|---------|------------------------------|
| Section |                              |
| 375.10  | Purposes                     |
| 375.20  | Definitions                  |
| 375.30  | Procedure                    |
| 375.40  | Designated Coordinator Level |
| 375.50  | Final Level                  |
| 375.60  | Accessibility                |
| 375.70  | Case-by-case Resolution      |

AUTHORITY: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 48(6) of the Illinois Banking Act (Ill. Rev. Stat. 1991, ch. 17, par. 359(6)) and Section 6(a) of the Commissioner of Banks and Trust Companies Act (Ill. Rev. Stat. 1991, ch. 17, par. 456(a)).

SOURCE: Adopted at 16 Ill. Reg. 15976, effective October 5, 1992.

## Section 375.10 Purposes

- a) This Americans With Disabilities Act Grievance Procedure ("Procedure") is established pursuant to the Americans With Disabilities Act of 1990, 42 USC Section 12101 et seq. ("ADA"), and specifically Section 35.107 of the Title II regulations, 28 CFR Part 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.
- b) In general, the ADA requires that each program, service and activity offered by the Commissioner of Banks and Trust Companies ("Agency"), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Agency to foster open communication with all individuals requesting readily accessible programs, services and activities. The Agency encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

## Section 375.20 Definitions

"Commissioner" is the Commissioner of Banks and Trust Companies.



## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF ADOPTED RULES

"Complainant" is an individual with a disability who files a Grievance Form provided by the Agency under this Procedure.

"Designated Coordinator" is the person appointed by the Commissioner who is responsible for the coordination of efforts of the Agency to comply with and carry out its responsibilities under Title II of the ADA including investigation of grievances filed by complainants. The Designated Coordinator may be contacted at Room 100, 117 S. Fifth Street, Reisch Building, Springfield, Illinois 62701. See 28 CFR 35.107.

"Grievance" is any complaint under the ADA by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Agency, and who believes he or she has been excluded from participation in or denied the benefits of any program, service or activity of the Agency, or has been subject to discrimination by the Agency.

## Section 375.30 Procedure

- a) Grievances must be submitted in accordance with the steps and time limits set forth in Sections 375.40 and 375.50. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this Procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the Designated Coordinator and Final Levels.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the Procedure as the Agency's last response.
- c) The Agency shall, upon being informed of the individual's desire to file a formal grievance, instruct the individual how to receive a copy of this Procedure and the Grievance Form.

## Section 375.40 Designated Coordinator Level

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the Designated Coordinator.
- b) Upon request, assistance shall be provided by the Agency to complete the Grievance Form.
- c) The Designated Coordinator, or his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF ADOPTED RULES

it. The Designated Coordinator shall provide a written response to the complainant and Commissioner within ten (10) business days after receipt of the Grievance Form.

## Section 375.50 Final Level

- a) If the grievance has not been resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Commissioner for final review. The complainant shall submit these documents to the Commissioner, together with a short written statement explaining the reason(s) for dissatisfaction with the Designated Coordinator's written response, within five (5) business days after receipt by the complainant of the Designated Coordinator's response.
- b) The Commissioner shall appoint a 3-member panel to review the grievance at the Final Level. One member so appointed shall be designated chairman.
- c) The complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representative to appear on his/her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- d) Upon reaching a concurrence, the panel shall make recommendations in writing to the Commissioner as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signature of the concurring panel members. A dissenting member of the panel may make a recommendation to the Commissioner in writing and shall also sign such recommendation.
- e) Upon receipt of recommendations from the panel, the Commissioner shall approve, disapprove or modify the panel recommendations, shall render a decision thereon in writing, shall state the basis therefore, and shall cause a copy of the decision to be served on the parties. The Commissioner's decision shall be final. If the Commissioner disapproves or modifies the panel recommendations, the Commissioner shall include written reasons for such disapproval or modification.
- f) The Grievance Form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, the recommendations of the panel and the decision of the Commissioner shall be maintained in accordance with the State Records Act (Ill. Rev. Stat. ch. 116, par. 43.3 et seq.), or as otherwise required by law.

## Section 375.60 Accessibility

The Agency shall ensure that all stages of the Procedure are readily accessible to and usable by individuals with disabilities.

## Section 375.70 Case-by-case Resolution



## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF ADOPTED RULES

Each grievance involves a unique set of factors that includes but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and, whether an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Agency. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: Camping on Department of Conservation Properties
- 2) CODE CITATION: 17 Ill. Adm. Code 130
- 3) SECTION NUMBERS:

|         |            |
|---------|------------|
| 130.30  | Amendments |
| 130.40  | Amendments |
| 130.50  | Amendments |
| 130.70  | Amendments |
| 130.120 | Amendments |
| 130.130 | Amendments |
| 130.135 | Amendments |
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1, 4(1), and 4(5) of the State Parks Act (Ill. Rev. Stat. 1991, ch. 105, pars. 465, 468(1) and 468.5), and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 63a23 and 63a28).
- 5) EFFECTIVE DATE OF AMENDMENTS: October 2, 1992
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: October 2, 1992
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: June 5, 1992, 16 Ill. Reg. 8275
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In the Authority Note, the title of the first act cited was changed to the short title: "the State Parks Act."

The Main Source Note was updated to include the emergency amendments at 16 Ill. Reg. 7925, effective May 11, 1992.

In Section 130.30(f), "Section 130.30(b)" was changed to "subsection (b) above."

In Section 130.50(d), the quotes at the beginning and end of the paragraph were removed and the title of the Act was changed to the short title: "the Child Curfew Act."



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## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENTS

In Section 130.70(a)(1)(G), a colon was added following "Adult Group Camping."

In Section 130.70(b)(3), the "t" in "The" in the first Act cited "the Illinois Identification Card Act" was changed to lower-case and the name of the second Act was changed to read "the Department of Veterans Affairs Act." In addition, all quotation marks within the paragraph were removed.

In Section 130.70(b)(3)(C), the quotation marks within the paragraph were removed and the Act was changed to read "the Department of Veterans Affairs Act." This same change was made in Section 130.70(b)(4).

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? Yes

| Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|----------------------------|
| 130.50          | Amendments      | 16 Ill. Reg. 7925, 5/22/92 |
| 130.70          | Amendments      | 16 Ill. Reg. 7925, 5/22/92 |
| 130.120         | Amendments      | 16 Ill. Reg. 7925, 5/22/92 |
| 130.130         | Amendments      | 16 Ill. Reg. 7925, 5/22/92 |

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments include changes in camping fees and the addition of language to clarify the definition of an adult.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Don Woods  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENT(S)

## TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION  
SUBCHAPTER a: LANDS AND HISTORIC SITES

## PART 130

## CAMPING ON DEPARTMENT OF CONSERVATION PROPERTIES

| Section | Location  |
|---------|---|
| 130.10  | Purpose of Campground   |
| 130.20  | Classification of Camps by Equipment Used - Definitions                         |
| 130.30  | Definition of a Camp  |
| 130.40  | Registrations   |
| 130.50  | Permits, Extensions and Time Limits   |
| 130.60  | Fees and Charges  |
| 130.70  | Refunds   |
| 130.80  | Check-in and Check-out Times  |
| 130.90  | Unoccupied Camps  |
| 130.100 | Vehicles per Camp (Refer to 17 Ill. Adm. Code Section 130.30)                   |
| 130.110 | Youth Group (Boy Scouts, Girl Scouts, Explorers, church groups, or others)      |
| 130.120 | Organization Group Camps (charter organizations, ROTC, private clubs or others) |
| 130.130 | Campground Host Program   |
| 130.135 | Use of Campground   |
| 130.140 | Eviction  |
| 130.150 |   |

AUTHORITY: Implementing and authorized by Sections 1, 4(1), and 4(5) of the State Parks Act (Ill. Rev. Stat. 1991, ch. 105, pars. 465, 468(1) and 468.5), and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 63a23 and 63a28).

SOURCE: Adopted at 4 Ill. Reg. 7, p. 110, effective February 4, 1980; emergency amendment at 5 Ill. Reg. 5707, effective June 1, 1981 for a maximum of 150 days; codified at 5 Ill. Reg. 10623; amended at 5 Ill. Reg. 14568, effective December 9, 1981; amended at 6 Ill. Reg. 3840, effective March 31, 1982; amended at 6 Ill. Reg. 9626, effective July 21, 1982; amended at 6 Ill. Reg. 14835, effective November 24, 1982; amended at 7 Ill. Reg. 5870, effective April 22, 1983; amended at 8 Ill. Reg. 5647, effective April 16, 1984; amended at 9 Ill. Reg. 6173, effective April 23, 1985; amended at 9 Ill. Reg. 11594, effective July 16, 1985; amended at 10 Ill. Reg. 9777, effective May 21, 1986; amended at 10 Ill. Reg. 13244, effective July 28, 1986; amended at 11 Ill. Reg. 9506, effective May 15, 1987; amended at 14 Ill. Reg. 12402, effective July 20, 1990; emergency amendment at 16 Ill. Reg. 7925, effective May 11, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15982, effective October 2, 1992.

Section 130.30 Classification of Camps by Equipment Used - Definitions



## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENT(S)

- a) Tent Camp - any camp using a fabric-type shelter erected on the ground, and not a part of a trailer unit as the basic unit that has been transported to the camp site by a motor vehicle.
- b) Trailer Camp - any camp which has a trailer, of not more than 40 feet in total overall length including any extensions forward or backward beyond the living quarters, as the basic shelter unit. This includes tent trailers, the standard travel trailer, or boats mounted on a trailer and used as the basic shelter unit.
- c) Vehicle Camp - any camp using a vehicle as the basic shelter unit. This includes converted buses, manufactured camper buses, and automobiles, of not more than 40 feet in total overall length, when used as the main sleeping and shelter unit of the camp.
- d) Primitive Camp - any camp using a shelter carried to a site via bicycle, canoe, horse or on the back of a camping member.
- e) Group Organization Camp - any camp using any one or combination of the various types of shelter when the camping group makeup qualifies as an organization camp, according to Sections 130.120 and 130.130.
- f) Boat Camp - any camp using a boat which is anchored off the area shore or tied on Department water frontage for shelter and sleeping. When the boat is placed on a camp site and used as a basic unit of the camp, it will then be classified as a trailer camp (subsection (b) above).

(Source: Amended at 16 Ill. Reg. 15982, effective October 2, 1992)

## Section 130.40 Definition of a Camp

- a) "Camp" means a single family or group occupying one shelter.
- b) A "Single Family" consists of either or both parents and unmarried children. Other family members will be considered as part of the family as long as they occupy the same shelter, but not to exceed a total of four (4) adults (18 years of age or older).
- c) The "Single Group" consists of unrelated adults (18 years of age or older) with or without children occupying the same shelter. This group would not exceed four (4) occupants. (Except for Rent-A-Camp sites with an extra large tent which would not exceed eight (8) occupants.)
- d) A "Camp Shelter" is the portable equipment used by the single family or group for bedding and housing. It may consist of sleeping bag, jungle hammock, station wagon, tent, trailer, bus, tarp, car or boat.
- e) If more than one camp shelter is required for the single family or group, they shall occupy separate camps. (Minor children (under 18) sleeping in sleeping bags or in a tent outside the family shelter are considered occupants sharing the same shelter.)
- f) In no case will two or more tent trailers, travel trailers, self-propelled mobile campers, pick-up campers, or any combination thereof be considered as a single camp.
- g) Where campgrounds are laid out in defined sites, not more than one camp will be permitted on a site. Where campgrounds are not laid out

## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENT(S)

in sites, the number of camps will be determined by the capacity of the existing sanitary facilities, parking areas, soil and turf conditions, potential social conflicts between campers due to crowding, and similar factors as determined by department staff.

(Source: Amended at 16 Ill. Reg. 15982, effective October 2, 1992)

## Section 130.50 Registrations

- a) A permit will be issued and fees collected at the time the camp is established or as soon as possible thereafter (see Sections 130.70 and 130.80).
- b) The camping attendant has the authority to assign sites.
- c) A responsible adult (18 years of age or older) from the camping party must register for the party and thereby acknowledge compliance to the rules and regulations of the park for the party.
- d) "Curfew: the provisions of Section 1 of "An Act relating to curfew for certain children", the Child Curfew Act (Ill. Rev. Stat. 1991, ch. 23, par. 2371) with reference to curfew for persons under the age of 17 years are in effect on Department of Conservation properties."
- e) The camp shelter or any other camping equipment shall not be brought into the park prior to the arrival of the camping party.
- f) No camping equipment shall be placed on any campground site while that site is occupied by another camping party. A person acquiring a permit must have camp shelter at the time of registration and must occupy the site at that time.
- g) In "emergency situations", the camping attendant may designate an area and charge a fee commensurate with facilities provided (see Section 130.70).
- h) Reservations will be accepted at selected sites offering this service. An additional \$3.00 \$5.00 non-refundable fee must be submitted for each site reserved.

(Source: Amended at 16 Ill. Reg. 15982, effective October 2, 1992)

## Section 130.70 Fees and Charges

- a) The full amount of the camping fee and, if applicable, the utility fee shall be collected at the time the permit is issued. If checks are taken, they shall be made payable to the Illinois Department of Conservation and the site identified. Camping fees vary in accordance with the degree of campground development and type of facilities available effective May 11, 1992 as follows:

- 1) Spring - Summer Camping (May 15 through September 15)  
 A) Class A Sites: Camping fee of \$7.00 \$8.00 per night per site at all sites having availability to showers,



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electricity and vehicular access, plus an additional \$2.00 per site at all sites having availability to electricity or showers and vehicular access, plus an additional \$3.00 per site at all sites having availability to showers and vehicular access.

B) Class B-E Sites: Camping fee of \$6.00 \$7.00 per night per site at all sites having availability to electricity or showers and vehicular access, plus an additional \$3.00 per site at all sites having availability to showers and vehicular access.

C) Class B-S Sites: Camping fee of \$8.00 per night per site at all sites having availability to showers and vehicular access.

E) D) Class C Sites: Camping fee of \$4.00 \$7.00 per night per site at all sites having vehicular access.

F) E) Class D Sites: Camping fee of \$3.00 \$6.00 per night per site, tent camping or primitive sites (walk-in or backpack) with no vehicular access.

F) F) Youth Group Camping: \$7.50 \$1.00 per person, minimum daily camping fee of \$7.50 \$10.00.

G) Adult Group Camping: \$3.00 per person, minimum daily camping fee of \$30.00.

F) H) Each student or member of an organized youth group utilizing facilities furnished at Dixon Springs State Park and Pere Marquette State Park shall pay a fee of \$2.00 \$3.00 per night or \$3.00 \$4.00 per night for each member of an organized adult group. Fees for day use of the group camps at Pere Marquette shall be \$25.00 \$30.00 per day for youth groups and \$37.50 \$45.00 per day for adult groups.

G) I) Rent-A-Camp Sites will be made available at designated state parks and recreational areas throughout the department's statewide system. These designated areas will provide, at additional fees of \$8.00 and \$12.00 per night, one large tent (approximately 10' x 13') or one extra large tent (approximately 14' x 14'), respectively (erected), with wood floor, one charcoal grill, one picnic table, one trash barrel, and either four (4) sleeping cots per large tent or eight (8) sleeping cots per extra large tent. The total overnight fee for a rent-a-camp will be based on the basic fees given of \$8.00 or \$12.00 per night in addition to the fee for the class of the camping site A through D on which the rent-a-camps are located, as follows:

i) Rent-A-Camp at Class A Sites:  
\$15.00 \$16.00 or \$19.00 \$20.00 plus \$2.00 \$3.00 utility fee per night per site at all sites having availability to showers, electricity and vehicular access.

ii) Rent-A-Camp at Class B-E Sites:  
\$14.00 \$15.00 or \$18.00 \$19.00 plus \$2.00 \$3.00 utility fee per night per site at all sites having availability to showers, electricity and vehicular access.

iii) Rent-A-Camp at Class B-S Sites: \$16.00 or \$20.00 per

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night per site at all sites having availability to showers and vehicular access.

iii) iv) Rent-A-Camp at Class C Sites:  
\$12.00 \$15.00 or \$16.00 \$19.00 per night per site at all sites having vehicular access.

iv) v) Rent-A-Camp at Class D Sites:  
\$11.00 \$14.00 or \$15.00 \$18.00 per night per site at all sites having tent camping or primitive sites (walk-in or backpack) with no vehicular access.

H) J) A) \$3.00 \$5.00 per campsite non-refundable fee must be remitted at those facilities offering reservation services. This fee applies to reservations for group camp sites as well as individual site reservations.

2) Fall - Winter Camping (September 16 through May 14)

A) As long as buildings, water and electrical service are available, regardless of the date, the regular camping fee will apply.

B) When cold weather requires closing down buildings and shutting off water in Class A campgrounds, the fee shall be reduced commensurate with the services and facilities available for use.

C) The fee for primitive campsites shall be \$3.00 \$6.00 per site. When a change in facilities is made and a campsite is reclassified, the fee for a site will change automatically.

b) Exceptions: Employees, Concessionaires, and Special Legislation

1) Except for temporary employees of the Department of Conservation who qualify and are placed in the campground host program at approved camping sites, employees of the Department of Conservation or any other state agency, regardless of their official status, will be required to pay the established camping fee.

2) The concessionaire, manager, or a responsible employee designated by the concessionaire will not be charged the regular camping fee. Rent will be paid at the rate established by the Department or pursuant to the concession lease.

3) A person 62 through 64 years of age, 65 years of age or older, or a person who has a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act (Ill. Rev. Stat. 1989 1991, Ch. 124, par. 24A) or a disabled veteran, as defined in Section 5 of "AN ACT creating the Illinois Department of Veterans' Affairs" Act (Ill. Rev. Stat. 1989 1991, Ch. 126 1/2, par. 70), is entitled to the following camping fee provisions, upon qualifying, which will allow the spouse or minor (under 18) children, or minor grandchildren to be included in the camping party. All other members must be registered and pay the regular camping fee for the facilities provided.

A) Illinois residents 62 to and including 64 years of age will be charged one-half the established camping fee on any Monday, Tuesday, Wednesday or Thursday, but must pay the



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entire established camping fee on any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. Verification of age may be made by birth certificate, driver's license, Golden Age Passport or other valid document required by law to establish proof of age and date of birth and issued by a federal or state governmental agency.

B) Illinois residents 65 years of age or older may camp without being charged a camping fee on any Monday, Tuesday, Wednesday, or Thursday, but must pay the entire established camping fee for any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. Verification of age may be made by birth certificate, driver's license, Golden Age Passport (16 U.S.C. 4601-6a, 1984) or other valid document required by law to establish proof of age and date of birth and issued by a federal or state governmental agency.

C) Illinois residents who have a Class 2 disability as defined in Section 4A of The Illinois Identification Card Act or a disabled veteran, as defined in Section 5 of "AN ACT creating the Illinois Department of Veterans' Affairs" Act may camp without being charged a camping fee, but if at a site with utilities, must pay the entire utility fee for each day of camping. An individual wishing to qualify for free camping under the provisions stated above must be able to submit one of the following documents as verification:

i) Applicant must have a current Illinois Disabled Person Identification Card issued by the Secretary of State, or  
ii) Applicant must possess a free use permit issued by the Illinois Department of Veterans' Affairs (Ill. Rev. Stat. 1949 1991, ch. 126 1/2, par. 70).

4) A person who is a veteran, an Illinois resident, and a former prisoner of war (Section 5(b) of "AN ACT creating the Illinois Department of Veterans' Affairs" Act) is exempt from all camping fees, but if at a site with utilities, must pay the entire utility fee for each day of camping. This shall allow the spouse, or minor children (under 18) or minor grandchildren, to be included in the camping party. An individual wishing to qualify for free camping under the provisions stated above must be able to submit an identification card issued by the Veterans' Administration or other government agency which indicates the cardholder's former prisoner of war status.

(Source: Amended at 16 Ill. Reg. 15982, effective October 2, 1992)

Section 130.120 Youth Group (Boy Scouts, Girl Scouts, Explorers, church groups, or others)

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a) A youth group/organization camp is a group of five or more minors up to 18 years of age who are members of an organization camping with its adult leaders.

b) The regular camping fee will be charged on the basis of: 50¢ \$1.00/person, or a minimum of \$5.00 \$10.00 a day.

c) These camps will be placed in an organization campground or special area set aside for such use, rather than in the regular campground.

d) One responsible adult (18 years of age or older) must accompany each group of 15 or less campers under the age of 18.

(Source: Amended at 16 Ill. Reg. 15982, effective October 2, 1992)

Section 130.130 Organization Group Camps (charter organizations, ROTC, private clubs or others)

a) The organized group camping areas are available for camping without showers or electricity. Other forms of camps will be placed in the appropriate sites on an individual and equal basis with other campers. An organized group camp is a group of 10 or more adults (18 years of age or older).

b) An organized group camp consisting of 10 or more adults may apply for reservation in the organized group camping area if the area is available and the Site Superintendent has approved the reservation. Each member will pay \$2.00 a day camping fee. The regular camping fee will be charged on the basis of: \$3.00/person, or a minimum of \$30.00 day.

c) If the organized group camping area is unavailable, the organization will be accommodated only as individual campers and will use the regular campgrounds on an equal basis with other campers. The camping fee and utility fee applicable to the campsite classification will be charged for each campsite used by the group.

(Source: Amended at 16 Ill. Reg. 15982, effective October 2, 1992)

Section 130.135 Campground Host Program

a) Purpose of host - The host provides a service to Illinois State Park and Historic Site visitors and encourages compliance with park rules and regulations.

b) Pertinent information and qualifications  
1) The Bureau Department will compensate host(s) \$1 per day for the days host(s) work, and will provide free camping privileges while performing duties in the campground.

2) The host must provide camping equipment. Some campgrounds do not have full hook-ups, so self-contained equipment is advisable. CB radio is optional.

3) A host shall have camping experience.



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- 4) A host shall serve for a minimum of four (4) weeks.
- 5) Illinois residents will be given first priority for host positions.
- 6) A host shall have a valid driver's license.
- 7) A host shall be at least 21 years of age.
- 8) A host shall be available in the park to assist visitors thirty-five (35) hours per week, usually over a five (5) day period. Weekends and holidays are mandatory days for duty in the program.
- 9) A host shall be on duty and work during all kinds of weather.
- c) Location of host campgrounds
  - 1) Designated host campground sites will vary, but will be represented throughout the statewide park and recreation system.
  - 2) A current listing of designated host campground sites will be provided with the application.
- d) Number of hosts per park
 

An individual or couple may act as host(s). Most parks have one campsite designated and a few larger parks may have more campsites.

## e) Duties and responsibilities of a host

- 1) A host shall be a visible representative of the **Bureau-of-Bands and--Historic--Sites** Department with knowledge of rules and regulations.
- 2) A host shall be informed about the park setting and activities available in the area.
- 3) A host shall greet visitors, help them get settled, answer questions, receive comments, pass out publications, and collect campground fees.
- 4) A host shall be observant for activities within the campground that require immediate attention by the staff or law enforcement, and contact help when emergencies occur. (A host is not required to enforce rules or perform major maintenance repairs.)
- 5) A host shall replenish restroom supplies when the park staff are not present.
- 6) A host shall promote care of the park by keeping a clean campsite and performing minor maintenance tasks such as picking up litter, etc.

## f) How to apply

- 1) Interested persons may obtain a campground host application from a **Bureau--of--Bands--and--Historic--Sites** Department office or write:  
Illinois Department of Conservation, Campground Host Coordinator, **Bureau--of--Bands--and--Historic--Sites**, 524 South Second Street, Lincoln Tower Plaza Building, Springfield, Illinois 62706.
- 2) Interested persons may complete the application and return it to the above address.

## g) When to apply

- 1) Applications are accepted year round and filled as positions open. If a position is open, applicant(s) will be contacted for

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- an interview.
- 2) Recruitment for the summer season occurs from March to June.
- h) Hiring campground host and/or hostess
  - 1) The Site Superintendent at the site designated for the host campground program shall review the host and/or hostess applications, interview each applicant, and hire the most suitable candidate(s) for this position.
  - 2) All persons considered must be 21 years of age or older, possess a valid driver's license, and have camping experience and knowledge. Other qualifications to be taken into consideration in the evaluation of applicant(s) shall include, but not be limited to, the following:
    - A) Previous experience in handling financial transactions, including the making of change, the proper safekeeping of cash, and recording all such transactions.
    - B) Previous experience in maintenance and report work.
    - C) The capability of positive communication with campers, and a willingness to deal with any problems which might arise among campers or between campers and site management.

(Source: Amended at 16 Ill. Reg. 15982, effective October 2, 1992.)



DEPARTMENT OF MENTAL HEALTH  
AND DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Mental Health Clinic Program Standards and Provider Requirements

2) Code Citation: 59 Ill. Adm. Code 130

3) Section Numbers: Adopted Action:

130.10 Repeal  
130.11 Repeal  
130.15 Repeal  
130.20 Repeal  
130.30 Repeal  
130.40 Repeal  
130.50 Repeal  
130.51 Repeal  
130.60 Repeal  
130.70 Repeal  
130.80 Repeal  
130.100 Repeal  
130.105 Repeal  
130.110 Repeal  
130.120 Repeal  
130.130 Repeal  
130.140 Repeal  
130.150 Repeal  
130.160 Repeal  
130.170 Repeal  
130.180 Repeal  
130.190 Repeal  
130.200 Repeal  
130.210 Repeal  
130.220 Repeal  
130.230 Repeal  
130.240 Repeal  
130.250 Repeal  
130.TABLE A Repeal  
130.TABLE B Repeal

4) Statutory Authority: Implementing and authorized by the Community Services Act (Ill. Rev. 1991, ch. 91½, par. 901 et seq.) and Section 15.3 of the Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1991, ch. 91½, par. 100-15.3).

5) Effective Date of Repealer: October 5, 1992

6) Does this rulemaking contain an automatic repeal date? No.

DEPARTMENT OF MENTAL HEALTH  
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NOTICE OF ADOPTED REPEALER

7) Does this repealer contain incorporations by reference? Not applicable - Part 130 is being repealed.

8) Date Filed in Agency's Principal Office: October 5, 1992

9) Notice(s) of Proposal Published in Illinois Register: June 12, 1992 (16 Ill. Reg. 8842)

10) Has JCAR issued a Statement of Objections to this repealer? JCAR has not issued a statement of objection.

11) Difference(s) between proposal and final version: The State Library recommended that Section 130.50 to be listed in question (3) on the Notice of Proposed Repealer.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were recommended.

13) Will this repealer replace an emergency rule? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Repealer: With the adoption of 59 Ill. Adm. Code 132, Medicaid Community Mental Health Services Program (16 Ill. Adm. Code 9006, June 12, 1992), which incorporates 59 Ill. Adm. Code 130, 59 Ill. Adm. Code 130 is no longer needed.

16) Information and questions regarding this adopted repealer shall be directed to:

Name: Judith Hollenberg  
Rules Administrator  
Address: 401 Stratton Building  
Springfield, IL 62765  
Telephone: (217) 785-3313



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

- 77 Ill. Adm. Code 750

Adopted Action:

|          |             |
|----------|-------------|
| 750.5    | Amendment   |
| 750.10   | Amendment   |
| 750.100  | Amendment   |
| 750.110  | Amendment   |
| 750.1000 | Amendment   |
| 750.2000 | New Section |
| 750.2010 | New Section |
| 750.2020 | New Section |
| 750.2030 | New Section |
| 750.2031 | New Section |
| 750.2032 | New Section |
| 750.2040 | New Section |
| 750.2041 | New Section |
| 750.2042 | New Section |
| 750.2050 | New Section |
| 750.2060 | New Section |
| 750.2070 | New Section |
| 750.2080 | New Section |
| 750.3000 | New Section |
| 750.3100 | New Section |
| 750.3200 | New Section |

In Section 750.3100(f), "Ground Veal" has been added after "Turkey".

The Sanitary Food Preparation Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 66.90 et seq.)

The Food Service Handling Regulation Enforcement Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 330 et seq.)

The Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 501 et seq.)

- |     |  |                    |
|-----|--|--------------------|
| 5)  | <u>Effective Date of Amendments:</u>   | October 1, 1992    |
| 6)  | <u>Does this Rulemaking Contain an Automatic Repeal Date?</u>  | No                 |
| 7)  | <u>Does this Rulemaking Contain any Incorporations by Reference?</u>   | Yes                |
| 8)  | <u>Date Filed in Agency's Principal Office:</u>  | September 25, 1992 |
| 9)  | <u>Date Notice of Proposed Amendments was Published in the Illinois Register:</u>  |                    |
|     | 16 Ill. Reg. 5836 - April 10, 1992   |                    |
| 10) | <u>Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking:</u>   | No                 |
| 11) | <u>Difference Between Proposal and Final Version:</u>  |                    |
|     | The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:  |                    |
|     | Section 750.110(g) has been revised to read as follows:  |                    |
|     | Foods packaged or repackaged by charitable or not-for-profit organizations for distribution to people in need shall bear the common and/or usual name of the product and the name of the distributing organization. A list of ingredients for any multi-ingredient product shall be posted or made available upon request. Prepared, ready-to-eat foods donated by food service establishments to charitable or not-for-profit organizations are exempt from the ingredient listing requirements of this subsection. |                    |
|     | In Section 750.3100(f), "Ground Veal Veal" has been added after "Turkey".  |                    |
|     | In addition, various typographical, grammatical and format changes were made in response to comments from the Administrative Code Division and the Joint Committee on Administrative Rules.  |                    |
| 12) | <u>Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?</u>  | Yes                |
| 13) | <u>Will the Amendments Replace an Emergency Rule Currently in Effect?</u>  | No                 |



## NOTICE OF ADOPTED AMENDMENTS

- all retail food stores as listed in the Drinking Water Systems Code (77 Ill. Adm. 900) are also incorporated into this Part.

Tags accompanying Interstate Shellfish Sanitation Conference (ISSC) certified shellstock (oysters, clams, mussels) and invoices from certified shucked shellfish are required to be maintained by the food service establishment for 90 days. This is to facilitate an epidemiologic traceback to the source in case the shellfish are implicated in an outbreak of Hepatitis A or other foodborne pathogen.

16) Information and Questions Regarding this Adopted rulemaking shall be directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Amendments begins on the next page:

"Exotic" meats are becoming more commonplace in food service facilities. These amendments will clarify the requirement that all meat of mammalian and avian origin, including wild game and wild game birds, shall be obtained from an approved source. Although the Illinois Meat and Poultry Inspection Act excludes by definition certain animals (lion, llama, etc.) and certain birds (pheasant, quail, etc.) from inspection, the Department of Agriculture developed voluntary inspection programs for non-domesticated meats. The Department has also worked closely with the Departments of Agriculture and Conservation to make certain that the adopted amendment does not conflict with their existing regulations, or place undue restrictions on the individuals rearing the animal or bird.

The Department's rules entitled "Uniform Retail Meat Identity" (77 Ill. Adm. Code 770) provides definitions of ground meat and poultry products, fat content labeling, and seasonings and additives which are permitted or prohibited. These rules have been repealed as a separate Part and the substance of the rules incorporated into the Food Service Sanitation Code.

The adopted amendments also include basic labeling requirements for foods pre-packaged at the retail level. This provision will ensure that consumers have adequate labeling information (in English) to make informed judgments about the food they eat, concerning the name of the product, the list of ingredients contained in the product in decreasing order, weight of the product, and the name and address of the processor or packager.

Maximum contaminant levels and monitoring frequencies of potable water supplies for



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

## PART 750

## FOOD SERVICE SANITATION CODE

## SUBPART A: GENERAL PROVISIONS

| Section |                                   |
|---------|-----------------------------------|
| 750.5   | Incorporated Materials            |
| 750.10  | Definitions                       |
| 750.20  | Inspections and Inspection Report |

## SUBPART B: FOOD SUPPLIES

| Section |  |
|---------|--|
| 750.100 | General  |
| 750.110 | Special Requirements                                   |
| 750.120 | General - Food Protection                              |
| 750.130 | General - Food Storage                                 |
| 750.140 | Refrigerated Storage                                   |
| 750.150 | Hot Storage  |
| 750.155 | Damaged Food Containers                                |
| 750.160 | General - Food Preparation                             |
| 750.170 | Raw Fruits and Raw Vegetables                          |
| 750.180 | Cooking Potentially Hazardous Foods                    |
| 750.190 | Dry Milk and Dry Milk Products                         |
| 750.200 | Liquid, Frozen, Dry Eggs and Egg Products              |
| 750.210 | Reheating  |
| 750.220 | Nondairy Products                                      |
| 750.230 | Product Thermometers                                   |
| 750.240 | Thawing Potentially Hazardous Foods                    |
| 750.250 | Food Display and Service of Potentially Hazardous Food |
| 750.260 | Display Equipment                                      |
| 750.270 | Reuse of Tableware                                     |
| 750.280 | Dispensing Utensils                                    |
| 750.290 | Ice Dispensing   |
| 750.300 | Condiment Dispensing                                   |
| 750.310 | Milk and Cream Dispensing                              |
| 750.320 | Re-Service   |
| 750.330 | General - Food Transportation                          |

## SUBPART C: PERSONNEL

| Section |                                |
|---------|--------------------------------|
| 750.500 | General - Employee Health      |
| 750.510 | General - Personal Cleanliness |
| 750.520 | General - Clothing             |

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|         |  |
|---------|--|
| 750.530 | General - Employee Practices                               |
| 750.540 | Management Sanitation Training and Certification           |
| 750.550 | Management Sanitation Certification Examination (Repealed) |
| 750.551 | Certificate Issuance                                       |
| 750.560 | Certificate Revocation or Suspension                       |

## SUBPART D: EQUIPMENT AND UTENSILS

| Section |   |
|---------|---|
| 750.600 | General - Materials                           |
| 750.610 | Solder  |
| 750.620 | Wood  |
| 750.630 | Plastics                                      |
| 750.640 | Mollusk and Crustacea Shells                  |
| 750.650 | General - Design and Fabrication              |
| 750.660 | Accessibility                                 |
| 750.670 | In-Place Cleaning                             |
| 750.680 | Thermometers                                  |
| 750.690 | Non-Food-Contact Surfaces                     |
| 750.700 | Ventilation Hoods                             |
| 750.710 | General - Equipment Installation and Location |
| 750.720 | Table-Mounted Equipment                       |
| 750.730 | Portable Equipment                            |
| 750.740 | Floor-Mounted Equipment                       |
| 750.750 | Aisles and Working Spaces                     |

## SUBPART E: CLEANING, SANITIZING, AND STORAGE OF EQUIPMENT AND UTENSILS

| Section |  |
|---------|--|
| 750.800 | Cleaning Frequency                         |
| 750.810 | Wiping Cloths                              |
| 750.820 | Manual Cleaning and Sanitizing             |
| 750.830 | Mechanical Cleaning and Sanitizing         |
| 750.840 | Drying                                     |
| 750.850 | Equipment, Utensil, and Tableware Handling |
| 750.860 | Equipment, Utensil, and Tableware Storage  |
| 750.870 | Pre-Set Tableware                          |
| 750.880 | Single-Service Articles                    |
| 750.890 | Prohibited Storage Area                    |

## SUBPART F: SANITARY FACILITIES AND CONTROLS

| Section  |                        |
|----------|------------------------|
| 750.1000 | General - Water Supply |
| 750.1010 | Transportation         |
| 750.1020 | Bottled Water          |
| 750.1030 | Water Under Pressure   |
| 750.1040 | Steam                  |



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750.1050 General - Sewage Disposal  
 750.1060 General - Plumbing  
 750.1070 Nonpotable System  
 750.1080 Backflow  
 750.1090 Grease Traps  
 750.1100 Drains  
 750.1110 General - Toilet Facilities  
 750.1120 General - Lavatory Facilities  
 750.1130 Containers - Garbage and Refuse  
 750.1140 Garbage and Refuse Storage  
 750.1150 Disposal of Garbage and Rubbish  
 750.1160 General - Insect and Rodent Control  
 750.1170 Protection of Openings Against Entrance of Insects and Rodents

## SUBPART G: CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES

## Section

750.1200 General - Floors  
 750.1210 General - Walls and Ceilings  
 750.1220 General - Cleaning Physical Facilities  
 750.1230 General - Lighting  
 750.1240 Protective Light Shielding  
 750.1250 General - Ventilation  
 750.1260 Special Ventilation  
 750.1270 Dressing Areas  
 750.1280 Lockers  
 750.1290 Poisonous or Toxic Materials Permitted  
 750.1300 Labeling of Poisonous or Toxic Materials  
 750.1310 Storage of Poisonous or Toxic Materials  
 750.1320 Use of Poisonous or Toxic Materials  
 750.1330 Personal Medications  
 750.1340 First-Aid Supplies  
 750.1350 General - Premises  
 750.1360 Living Areas  
 750.1370 Laundry Facilities  
 750.1380 Linens and Clothes Storage  
 750.1390 Cleaning Equipment Storage  
 750.1400 Animals

## SUBPART H: MOBILE FOOD SERVICE

## Section

750.1500 General - Mobile Food Units  
 750.1510 Restricted Operation  
 750.1520 Single-Service Articles  
 750.1530 Water Systems  
 750.1540 Waste Retention  
 750.1550 Base of Operations

750.1560 Servicing Area  
 750.1570 Servicing Operations

## SUBPART I: TEMPORARY FOOD SERVICE

## Section

750.1600 General - Temporary Food Service Establishments  
 750.1610 Restricted Operations  
 750.1620 Ice  
 750.1630 Equipment  
 750.1640 Water  
 750.1650 Wet Storage  
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**AUTHORITY:** Implementing the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 501 et seq.) and the Sanitary Food Preparation Act (Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 66.90 et seq.) and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 521) and Section 11.1 of the Sanitary Food Preparation Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 77.1).

**SOURCE:** Adopted December 23, 1975; amended at 2 Ill. Reg. 19, p. 180, effective May 13, 1978; old rules repealed, new rules adopted and codified at 7 Ill. Reg. 1336, effective January 25, 1983; amended at 7 Ill. Reg. 16415, effective November 23, 1983; amended at 11 Ill. Reg. 2345, effective February 1, 1987; amended at 11 Ill. Reg. 18735, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14380, effective September 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17918, effective December 1, 1988; amended at 13 Ill. Reg. 1819, effective January 30, 1989; amended at 13 Ill. Reg. 18888, effective December 1, 1989; amended at 14 Ill. Reg. 19975, effective January 1, 1991; amended at 14 Ill. Reg. 20535, effective January 1, 1991; amended at 16 Ill. Reg. 15995, effective October 1, 1992.

## SUBPART A: GENERAL PROVISIONS

## Section 750.5 Incorporated Materials

The following materials are incorporated or referenced in this Part:

- a) Salvage Warehouses and Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices and Cosmetics (77 Ill. Adm. Code 725).

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- b) The Illinois Plumbing Code (77 Ill. Adm. Code 890).
- c) Drinking Water Systems Code (77 Ill. Adm. Code 900).
- d) Official Methods of Analysis of the Association of Official Analytical Chemists, 15th Edition, published by the Association of Official Analytical Chemists (1990), 111 North Nineteenth Street, Suite 210, Arlington, Virginia 22209.
- e) Standard Methods for the Examination of Dairy Products, 15th Edition, published by the American Public Health Association (1989), 1015 Fifteenth Street, N.W., Washington, D.C. 20036.

(Source: Amended at 16 Ill. Reg. 15995, effective October 1, 1992)

## Section 750.10 Definitions

The following definitions shall apply in the interpretation and the enforcement of this Part:

"Acceptable product list" means a list of foods, acceptable to the regulatory authority, which because of their characteristics will present a barrier to the growth of Clostridium botulinum.

"Barrier" means a safety factor of a physical, biological, or chemical nature which inhibits or minimizes the growth of microorganisms including those which may be infectious or toxigenic.

"Beef pattie mix" (or "Beef Patties" if in pattie form) means chopped beef with or without the addition of beef fat as such and/or seasonings.

"Certified food service manager or supervisor" means a person certified in compliance with Section 750.540.

"Cold smoke process" is a smoking process used to apply smoke or a smoke flavor at or below ambient temperature to food products not sufficiently darkened in the original smoking operation.

"Commercially prepared sweet baked goods" means an individually portioned and wrapped, non-potentially hazardous yeast or cake type bread, bun, croissant or roll with or without filling and/or icing.

"Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

"Controlled atmosphere packaging (CAP)" means an active packaging system which continuously maintains the desired atmosphere within the package throughout the shelf-life of the product. CAP uses an agent to bind or "scavenge" oxygen permeating the package, or a sachet to



emit a gas.

"Cook-chill processing" means a process in which a plastic bag is filled with hot cooked food and the air is expelled while the bag is being sealed before being blast or tumble chilled.

"Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions-of-use environment.

"Critical control point" means any point or procedure in a specific food processing or packaging operation where loss of control may result in an unacceptable health risk.

"Dedicated equipment or personnel" means equipment or personnel reserved solely for the use of one food processing operation to prevent cross-contamination.

"Easily cleanable" means that surfaces are readily accessible and made of such material and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

"Employee" means individuals having supervisory or management duties, and any other person working in a food service establishment.

"Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a food service establishment.

"Extensively remodeled" means whenever an existing structure is converted for use as a retail food establishment; any structural additions or alterations to existing establishments; changes, modifications and extensions of plumbing systems, excluding routine maintenance.

"Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

"Food contact surface" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back to surfaces normally in contact with food.

"Food processing establishment" means a commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store,

or commissary operation.

"Food service establishment" means any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen type operations that prepare foods intended for individual portion service. The term does not include lodging facilities serving only a continental breakfast, (a continental breakfast is one limited to only coffee, tea, and/or juice and commercially prepared sweet baked goods), private homes or a closed family function where food is prepared or served for individual family consumption, retail food stores or the location of food vending machines.

"Full time" means 30 hours per week or the length of time the facility is in operation, whichever is less.

"Ground beef" means chopped or ground beef with or without seasoning and without the addition of beef fat and shall not contain more than 30 percent fat.

"Hamburger" means chopped beef with or without the addition of beef fat and/or seasoning and shall not contain more than 30 percent fat.

"Hazard Analysis Critical Control Point (HACCP) Program" means a comprehensive food safety control plan which includes a step-by-step description of the food processing, packaging and storage procedure including identification of critical control points (CCPs); the food contact surface cleaning and sanitizing procedures; lot identification procedure; and training procedures.

"Hermetically sealed container" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its content after processing.

"Kitchenware" means all multi-use utensils other than tableware.

"Law" includes State and local statutes, ordinances, and regulations.

"Lodging facilities" means any hotel, motel, motor inn, lodge, inn or other quarters which provides temporary sleeping facilities open to the public.

"Lot" means unique run of processed or packaged product with a specifically designated date and processing operation.

"Mobile food unit" means a vehicle-mounted food service establishment



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designed to be readily movable.

"Modified Atmosphere Packaging (MAP)" means a one-time gas-flushing and sealing process. The gas atmosphere within the package after sealing is then allowed to passively change due to factors of container permeability and food product respiration.

"Official Methods of Analysis" means the Official Methods of Analysis of the Association of Official Analytical Chemists, 15th Edition, or Standard Methods for Examination of Dairy Products, 15th Edition, as incorporated in Section 750.5 (d) and (e).

"Operational Supervision" means the on-site supervision and management of the food service facility, operations, and employees.

"Packaged" means bottled, canned, cartoned, or securely wrapped.

"Partially defatted beef fatty tissue" means a beef by-product derived from the low temperature rendering (not exceeding 120 degrees Fahrenheit) of fresh beef tissue. Such product shall have a pinkish color and a fresh odor and appearance.

"Person" includes any individual, partnership, corporation, association, or other legal entity.

"Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

"Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods which have a pH level of 4.6 or below or a water activity (aw) value of 0.85 or less.

"Preservative" means any curing agent or curing accelerator (specific chemical agent which extends the shelf life of the product) which cures, accelerates color fixing or preserves color in meat or poultry products including sodium or potassium nitrate, sodium or potassium nitrite, ascorbic acid, erythorbic acid, glucono delta lactone, sodium ascorbate, sodium erythorbate, citric acid, sodium citrate or sodium benzoate.

"Processing" means to manufacture, compound, intermix or prepare food products for sale or for customer service.

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"Pushcart" means a non-self-propelled vehicle limited to serving nonpotentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

"Reconstituted" means dehydrated food products recombined with water or other liquids.

"Regulatory authority" means the State and/or local enforcement authority or authorities having jurisdiction over the food service establishment.

"Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act, (21 U.S.C. 301 et seq.), they are "safe" only if they are used in conformity with regulations established pursuant to Section 409 or Section 706 of the Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act and are used in conformity with all applicable regulations of the Food and Drug Administration.

"Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level (when those disease organisms which may be present are destroyed so as to prevent transfer) on cleaned food-contact surfaces of utensils and equipment.

"Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

"Showering" means a potable water spray with or without liquid smoke in the smoke house which, depending on when the water spray is applied, maintains humidity, flavors, decreases cooking time, promotes rapid cooling or reduces casing shrinkage.

"Single service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then discarded.

"Smoke generator" means a piece of equipment attached or integral to a smoke house which provides smoke to the smoke house, usually by slowly augering sawdust onto a heating element with the resulting smoke being drawn into the smokehouse.



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"Smoke house" means a piece of equipment or room sized enclosure used to conduct the smoking process with a smoke source, adequate ventilation, heat and humidity source if necessary, approved plumbing and waste lines if necessary, support structures for the food products to be smoked and a method to determine internal product temperature.

"Smoking" means the process of subjecting meat cuts and other foods to an environment of heat and smoke generated from hardwood, hardwood sawdust, corn cobs or natural liquid smoke that has been transformed into a gaseous state by application of direct heat.

"Tableware" means multi-use eating and drinking utensils.

"Temporary food service establishment" means food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

"Utensil" means any implement used in the storage, preparation, transportation, or service of food.

(Source: Amended at 16 Ill. Reg. 15995, effective October 1, 1992.)

SUBPART B: FOOD SUPPLIES

Section 750.100 General

Food shall be in sound condition, free from spoilage, filth, and other contamination and shall be safe for human consumption. Food shall be obtained from sources that comply with all laws relating to food and food labeling. Use of home prepared or hermetically sealed food which has been processed in a place other than a wholesale food processing establishment is prohibited except where it is in compliance with Subpart K, Reduced Oxygen Packaging, of this Part.

(Source: Amended at 16 Ill. Reg. 15995, effective October 1, 1992.)

Section 750.110 Special Requirements

- a) Fluid milk and fluid-milk products used or served shall be pasteurized and shall meet the Grade A quality standards as established by law. Dry milk and dry-milk products shall be pasteurized.
- b) Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be packed in nonreturnable packages identified with the name and address of the original shell stock processor, shucker/packer, or repacker, and the interstate certification number issued according to the law. Shell stock and shucked shellfish shall be kept in the

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container in which they were received until they are used. Each container of unshucked shell stock (oysters, clams, or mussels) shall be identified by the attached tag that states the name and address of the original shell stock processor, repacker or reshipper, the kind and quantity of shell stock, and an interstate certification number issued by the state or foreign shellfish control agency. Each tag affixed to a container of certified shell stock along with its accompanying invoice and each shucked shellfish invoice shall be retained for a period of 90 days and be made available for inspection by the health department.

c) Only clean whole Grade A eggs, with shell intact and without cracks or checks, or pasteurized liquid, frozen, or dry eggs or pasteurized dry egg products shall be used, except that hard boiled peeled eggs, commercially prepared and packaged may be used.

d) All meat of mammalian and avian origin shall be inspected and approved as human food by the Illinois Department of Agriculture or the United States Department of Agriculture and bear the stamp or mark as required by the aforementioned departments.

e) Each retail food establishment location shall obtain written permission from the appropriate regulatory authority responsible for retail food protection in that jurisdiction before packaging foods in a reduced oxygen atmosphere. Reduced oxygen packaging shall consist of cook-chill processing, vacuum-packaging, modified atmosphere packaging (MAP) or controlled atmosphere packaging (CAP). The request from the retail establishment and approval from the regulator shall be product specific and shall be issued according to the requirements listed in Subpart K of this Part.

f) Every food pre-packaged in advance of retail sale must bear the following information in English on its label:

- 1) The common and/or usual name of the product;
- 2) The name, address and zip code of the manufacturer, processor, packer, preparer or distributor;
- 3) The net contents of the package;
- 4) A list of ingredients in the order of their predominance by weight with ingredients shown by their common or usual name; and
- 5) A list of any artificial color, artificial flavor or preservative used.

g) Foods packaged or repackaged by charitable or not-for-profit organizations for distribution to people in need shall bear the common and/or usual name of the product and the name of the distributing organization. A list of ingredients for any multi-ingredient product shall be posted or made available upon request. Prepared, ready-to-eat foods donated by food service establishments to charitable or not-for-profit organizations are exempt from the ingredient listing requirements of this subsection.

h) The processing and labeling of ground meats/poultry and other meat/poultry products shall be done in compliance with Subpart L of this Part.

i) Pasteurized soft serve mix and frozen desserts shall comply with the



Standards listed below.

| Product        | Bacterial standard<br>plate count not<br>more than | Coliform<br>determination<br>not more than | Storage<br>temperature |
|----------------|--|--|------------------------|
| Mix            | 50,000/ml*   | 10/ml                                      | 45 degrees F           |
| Frozen Dessert | 50,000/ml*   | 10/ml                                      | Frozen                 |
| Plain          |  |  |                        |
| Frozen Dessert | 50,000/ml*   | 20/ml                                      | Frozen                 |
| Flavored       |  |  |                        |

The products shall be tested in accordance with tests and examinations contained in the 15th edition of Official Methods of Analysis of the Association of Official Analytical Chemists or in the 15th edition of Standard Methods for the Examination of Dairy Products.

\*Except frozen yogurt with live culture added.

(Source: Amended at 16 Ill. Reg. 15995, effective October 1, 1992 )

SUBPART F: SANITARY FACILITIES AND CONTROLS

Section 750.1000 General - Water Supply

Enough potable water for the needs of the food service establishment shall be provided from a source constructed and operated according to law. The potable water supply shall be in compliance with the requirements and maximum contaminant levels of the Drinking Water Code (77 Ill. Adm. Code 900).

(Source: Amended at 16 Ill. Reg. 15995, effective October 1, 1992 )

SUBPART K: REDUCED OXYGEN PACKAGING

Section 750.2000 General

Reduced oxygen packaging of food products in retail food establishments shall comply with the requirements of this Part.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992 )

Section 750.2010 Acceptable Products

A list of products approved by the regulatory authority for reduced oxygen packaging shall be posted in the processing area along with a warning against

packaging unapproved foods.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992 )

Section 750.2020 Employee Training

Retail employees assigned to process foods in reduced oxygen packages must be familiar with these rules and the potential hazards associated with reduced oxygen packaged foods. A description of the training and course content provided to the retail employees must be available for review by the regulatory authority.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992 )

Section 750.2030 Refrigeration Requirements

All retail processed foods in reduced oxygen packages must be refrigerated at 45 degrees Fahrenheit or below or kept frozen at 0 degrees Fahrenheit or below.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992 )

Section 750.2031 Labeling - Refrigeration Statements

All retail packaged foods in a reduced oxygen atmosphere shall bear a statement "Important - Must Be Kept Refrigerated" or "Important - Must Be Kept Frozen" in addition to other required information. This statement must appear on the principal display panel in bold type on a contrasting background using this format:

Important  
Must Be Kept  
Refrigerated

Important  
Must Be Kept  
Frozen

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992 )

Section 750.2032 Labeling - "Use By" Dates

Each package of refrigerated retail processed food in a reduced oxygen atmosphere shall bear a "use by" date. This date cannot exceed 14 days from retail processing. Also, the date assigned by the retailer shall not go beyond the manufacturer's recommended "pull date" for the food. The "use by" date must be listed on the principal display panel in bold type on a contrasting background. Foods that remain frozen before, during, and after processing are exempt from this requirement.



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(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992)

**Section 750.2040 Safety Barriers**

Refrigeration at 45 degrees Fahrenheit or less is required as the primary safety barrier. Only refrigerated foods that possess one or more of the following secondary safety barriers can be packaged in a reduced oxygen atmosphere at retail:

- Foods with a water activity (a(w)) below .93, or
- Foods with an acidity (pH) of less than 4.6, or
- Foods with high levels of non-pathogenic competing organisms that prohibit the growth of pathogenic bacteria, or
- Meat or poultry products processed under U.S.D.A. or Illinois Department of Agriculture supervision with a nitrite level of at least 120 ppm and a minimum brine concentration of 3.5%, or
- Frozen foods provided the product is maintained in a frozen state before, during and after packaging.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992)

**Section 750.2041 Fish and Fishery Products**

Raw or processed fish and fishery products may not be packaged at retail in a reduced oxygen atmosphere unless held frozen before, during and after packaging.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992)

**Section 750.2042 Safety Barrier Verification**

The safety barrier requirement must be verified in writing for all foods processed in a reduced oxygen atmosphere at retail. This can be accomplished via written certification from the product manufacturer or through independent laboratory analysis of the incoming product using the official method of analysis.

- Any changes in product formulation or processing procedures that impacts on the safety barrier requires recertification of the product.
- All barrier certifications must be updated every twelve months or immediately in the event of a change in product ingredients, process or barriers.
- A record of all safety barrier verifications must be maintained and available at the processing site for regulatory review to determine compliance with the criteria specified in Section 750.2040.
- Meat and poultry products, cured under U.S.D.A. inspection or a state program equal to U.S.D.A., with a nitrite level of at least 120 ppm and a brine concentration of at least 3.5% are exempt from the safety

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barrier verification requirements.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992)

**Section 750.2050 Hazard Analysis Critical Control Point (HACCP) Program**

All retail food establishments processing food in a reduced oxygen atmosphere must develop a HACCP Program and maintain a copy of this program at the processing site for review by the appropriate regulatory authority. This HACCP Program shall include:

- A complete description of the processing, packaging and storage procedures. The program must also identify the critical control points in the procedure with a description of how these will be monitored and controlled and provide barrier certifications for all foods;
- A list of the equipment and food-contact packaging supplies used;
- A description of the lot identification system;
- A description of the employee training program;
- If gases are used, identification of the gases as being of food grade quality and a listing by proportion of gases used in the packaging;
- A description of the procedure along with frequency for cleaning and sanitizing the involved food-contact surfaces in the processing area; and
- A description of action to be taken if there is a deviation from the process approved by the regulatory agency.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992)

**Section 750.2060 Precautions Against Contamination**

Only unopened packages of commercially manufactured food products can be used to process in a reduced oxygen atmosphere. If it is necessary to stop processing for a period in excess of one-half hour, the remainder of the product must be diverted for another use in the retail operation.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992)

**Section 750.2070 Disposition of Expired Product**

Retail processed reduced oxygen foods that exceed the "use by" date or the manufacture's "pull date" cannot be sold or donated in any form and must be destroyed in a proper manner.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992)

2020 Retail Loss



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**Section 750.2080 Dedicated Area/Restricted Access**

All aspects of reduced oxygen packaging shall be conducted in an area specifically designated for this purpose.

- a) There shall be a physical separation to prevent cross-contamination between raw and cooked products.
- b) Access to the processing area shall be restricted to responsible trained personnel who are familiar with the potential hazards of this operation.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992)

**SUBPART L: MEAT/POULTRY PROCESSING AND LABELING**

**Section 750.3000 Exceptions**

Meat products which are prepared, packaged and labeled in establishments operating under the inspection of the United States Department of Agriculture, pursuant to the authority of the Federal Wholesome Meat Act and regulations promulgated thereunder and meat products which are prepared and labeled in establishments operating under the inspection of the Illinois Department of Agriculture, pursuant to the authority of the Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 301 et seq.) and regulations promulgated thereunder, shall not be subject to the requirements of Subpart L.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992)

**Section 750.3100 Meat and Poultry Labeling**

Every package of meat or poultry or meat or poultry product shall comply with all labeling requirements of Section 750.110(f) of this Part.

- a) All ground beef is to be labeled "Ground Beef", "Chopped Beef" or "Hamburger." When beef cheek meat (trimmed beef cheeks) is used in the preparation of chopped beef, ground beef or hamburger, the amount of such cheek meat shall be limited to 25 percent and its presence shall be declared on the label, either contiguous to the name of the product or in the ingredient statement.
- b) It is not necessary to indicate the lean-to-fat content. However, if it is shown, the label must indicate "Not Less than % Lean," or "Not More Than % Fat." An example would be:

GROUND BEEF  
Not Less Than 75% Lean  
OR  
Not More Than 25% Fat

- c) An added descriptive name may be used where the ground beef is

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prepared from a specific beef cut such as the chuck, round, sirloin, etc. An example would be:

GROUND BEEF CHUCK  
OR  
GROUND BEEF CHUCK  
Not Less Than 75% Lean

- d) The label of a prepackaged product which conforms to the definition of "Beef Pattie Mix", as prescribed in Section 750.110, shall declare, in addition to the name of the product, the percentage by weight of beef contained in the product, and the common or usual name of each ingredient in decreasing order of its predominance. Binders or extenders and/or partially defatted beef fatty tissue may be used without added water or with added water only in amounts such that the product characteristics are essentially that of a meat pattie. If displayed in bulk, a placard must be exhibited to identify the product in accordance with this rule. A sample label or placard would be:

BEEF PATTIE MIX  
70% Beef  
Ingredients: Beef, water  
non-meat protein extenders

- e) "Seasoning" permitted in ground or chopped beef or hamburger or poultry may include salt, natural sweeteners, spices, flavoring, including essential oils, oleoresins and other spice extractives, monosodium glutamate, hydrolyzed vegetable protein and similar flavorings when used in condimental proportions. Seasoning does not include preservatives, coloring, sulfites or color enhancers.
- f) The requirements which apply to ground beef shall also apply to veal, lamb, pork or poultry if offered in the chopped or ground form. If these ground meats are merchandised as a combination package, each component must be indicated on the label. A sample label for beef, lamb, pork and poultry would be:

Ground Beef  
Ground Lamb  
Ground Pork  
Ground Turkey  
Ground Veal  
Beef  
Lamb  
Pork  
Turkey  
Veal

- g) Fanciful or characterizing names of ground meats or poultry are permitted, but only if they do not obscure or replace the approved name. The fanciful or characterizing name may be placed on the regular price-weight label or on a separate label but the approved identification must appear conspicuously and unobscured.
- h) No grade designation may be used for ground meat or poultry. After trimming and grinding, meat loses its grade identification and



therefore does not have a grade in the ground form.  
i) "Previously Frozen" must be labeled on the package, container or wrapping, in type of uniform size and prominence so as to be readable and understood by the general public if a meat or meat food product or poultry or poultry food product has been frozen prior to sale.  
j) Meat, poultry, game birds or game animals smoked or processed as a service to the customer shall be marked with the customer's name and labeled "not for sale."

(Source: Added October 16, 1992 Ill. Reg. 15995, effective October 1, 1992)

Section 750.3200 Smoked Meat, Poultry and Other Food Products

- a) Any smoking operation shall comply with all other applicable requirements of this Part.
- b) Approved materials for use with a smoke generator include hardwood, hardwood sawdust, corn cobs, and natural liquid smoke. Products approved by U.S.D.A., FDA or the Illinois Department of Agriculture meet these safety requirements.
- c) The internal temperature of any smoked product shall comply with the requirements of Section 750.180 (Cooking Potentially Hazardous Foods).
  - 1) Automatic recording thermometers with internal product temperature probes or a metal-stemmed thermometer shall be available and used whenever product is smoked.
  - 2) Product to be smoked shall be uniformly sized to ensure that each piece reaches the required end cooking temperature.
  - 3) When a cold smoking process is used for cosmetic purposes, that is, to add smoke color or flavor to a pre-cooked product, the cold smoke process must be of such duration that the product temperature remains at or below 45 degrees Fahrenheit.
- d) A Hazard Analysis Critical Control Point program shall be available in the processing area to describe the smoking process. It shall consist of written procedures describing the preparation, smoking, handling, packaging and holding of the smoked products. It shall include, at a minimum:
  - 1) Defrosting procedures, if used;
  - 2) Time/Temperature requirements for cooking and smoking;
  - 3) Cooling procedures;
  - 4) Identification of the critical control points in the procedure with a description of how these will be monitored and controlled;
  - 5) Designation of a dedicated work area where raw product is handled and a separate work area for cooked or smoked product to prevent cross-contamination;
  - 6) Description of the cleaning and sanitizing procedures, including frequency; and
  - 7) Samples of labels with all ingredients contained in the product.

(Source: Added at 16 Ill. Reg. 15995, effective



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part:

The Illinois Formulary for the Drug Product Selection Program

2) Code Citation:

77 Ill. Adm. Code 790

3) Section Numbers:Adopted Action:

790.600 Amendment  
 790.740 Amendment  
 790.788 Amendment  
 790.799 Amendment  
 790.1388 Amendment  
 790.1570 Amendment  
 790.1835 New Section  
 790.2060 Amendment  
 790.2805 Amendment  
 790.3437 Amendment  
 790.3945 Amendment  
 790.4140 Amendment  
 790.4660 Amendment  
 790.4680 Amendment  
 790.4900 Amendment  
 790.5788 Amendment  
 790.6140 Amendment  
 790.6277 Amendment  
 790.6370 Amendment  
 790.6430 Amendment  
 790.6610 Amendment  
 790.6780 Amendment  
 790.7265 Amendment  
 790.7400 Amendment  
 790.7700 Amendment  
 790.8030 New Section  
 790.9050 Amendment  
 790.9070 New Section

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

4) Statutory Authority:

Implementing and authorized by Section 3.14 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 503.41) and Section 25 of the Pharmacy Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 4145)

5) Effective Date of Amendments: September 30, 19926) Does this Rulemaking Contain an Automatic Repeal Date? No7) Does this Rulemaking Contain any Incorporations by Reference? No8) Date Filed in Agency's Principal Office: September 30, 19929) Date Notice of Proposed Amendments was Published in the Illinois Register:

16 Ill. Reg. 8329 - June 5, 1992

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No11) Difference Between Proposal and Final Version:

No changes

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

No changes were suggested by the Joint Committee on Administrative Rules.

13) Will the Amendments Replace an Emergency Rule Currently in Effect? Yes14) Are there any other Amendments Pending on this Part? No15) Summary and Purpose of Amendments:

The Department is amending various sections of the Illinois Formulary for the Drug Product Selection Program. These rules are promulgated on the basis of changes in the Food and Drug Administration's recommendation of these drug entities for Drug Product Selection. These changes were published in the Thirteenth Edition, First Supplement of the Illinois Formulary. In accordance with the provisions of Public Act 85-451, these



DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 790

THE ILLINOIS FORMULARY FOR THE DRUG PRODUCT SELECTION PROGRAM

SUBPART A: GENERAL PROVISIONS

|         |  |
|---------|--|
| Section |  |
| 790.20  | Introduction   |
| 790.40  | Consideration of Drug Products for Inclusion in the Illinois Formulary |
| 790.60  | Additional Criteria  |
| 790.80  | Quality Listing  |
| 790.100 | Generic Drug Entity Headings   |
| 790.120 | Comments and Specific Administration                                   |
| 790.140 | Requests for Additional Copies   |
| 790.160 | Prescription Use of Drug Products                                      |
| 790.180 | FDA Drug Product Approval and Recommendation                           |
| 790.200 | Availability of Drug Products; Pharmaceutical Equivalence              |
| 790.220 | Single Source Drug Products Exclusion                                  |
| 790.240 | Criteria for Exclusion of Drug Products                                |
| 790.260 | Inclusion of Controlled Substances                                     |
| 790.280 | Equivalence of Products Requirements                                   |
| 790.300 | Selection of Equivalent Drug Products                                  |
| 790.320 | Transfer of Prescription Records                                       |

SUBPART B: APPROVED DRUG PRODUCTS FOR  
DRUG PRODUCT SELECTION

|         |  |
|---------|--|
| Section |  |
| 790.420 | ACETAMINOPHEN; BUTALBITAL                          |
| 790.460 | ACETAMINOPHEN; BUTALBITAL; CAFFEINE                |
| 790.480 | ACETAMINOPHEN; CAFFEINE; DIHYDROCODEINE BITARTRATE |
| 790.500 | ACETAMINOPHEN; CODEINE PHOSPHATE                   |
| 790.540 | ACETAMINOPHEN; HYDROCODONE BITARTRATE              |
| 790.548 | ACETAMINOPHEN; OXYCODONE HYDROCHLORIDE             |
| 790.580 | ACETAMINOPHEN; PROPOXYPHENE HYDROCHLORIDE          |
| 790.600 | ACETAMINOPHEN; PROPOXYPHENE NAPSYLATE              |
| 790.620 | ACETAZOLAMIDE                                      |
| 790.630 | ACETAZOLAMIDE SODIUM                               |
| 790.660 | ACETIC ACID, GLACIAL                               |
| 790.700 | ACETIC ACID, GLACIAL; HYDROCORTISONE               |
| 790.706 | ACETOHEXAMIDE                                      |
| 790.721 | ACETYLCYSTEINE                                     |
| 790.740 | ALBUTEROL SULFATE                                  |
| 790.756 | ALCOHOL; DEXTROSE                                  |
| 790.760 | ALCOHOL; MORPHINE                                  |

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

changes were published in the Illinois as emergency amendments, effective May 15, 1992.

- 16) Information and Questions Regarding this Adopted rulemaking shall be directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Amendments begins on the next page:



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT(S)

790.780 ALLOPURINOL  
 790.788 AMANTADINE HYDROCHLORIDE  
 790.798 AMILORIDE HYDROCHLORIDE  
 790.799 AMILORIDE HYDROCHLORIDE; HYDROCHLOROTHIAZIDE  
 790.815 AMINOACETIC ACID (Repealed)  
 790.820 AMINOCAPROIC ACID  
 790.830 AMINOHIPPURATE SODIUM  
 790.860 AMINOPHYLLINE  
 790.900 AMITRIPTYLINE HYDROCHLORIDE  
 790.905 AMITRIPTYLINE HYDROCHLORIDE; CHLORDIAZEPOXIDE  
 790.910 AMITRIPTYLINE HYDROCHLORIDE; PERPHENAZINE  
 790.920 AMOXAPINE  
 790.940 AMOXICILLIN TRIHYDRATE  
 790.974 AMPHOTERICIN B  
 790.980 AMPICILLIN SODIUM  
 790.1020 AMPICILLIN; PROBENECID  
 790.1060 AMPICILLIN/AMPCILLIN TRIHYDRATE  
 790.1100 ANISOTROPINE METHYLBROMIDE (Repealed)  
 790.1107 ANTAZOLINE PHOSPHATE; NAPHAZOLINE HYDROCHLORIDE  
 790.1112 ANTIPYRINE; BENZOCAINE  
 790.1120 ASCORBIC ACID; BIOTIN; CYANOCOBALAMIN; DEXPANTHENOL; ERGOCALCIFEROL; FOLIC ACID; NIACINAMIDE; PYRIDOXINE HYDROCHLORIDE; RIBOFLAVIN PHOSPHATE SODIUM; THIAMINE HYDROCHLORIDE; VITAMIN A; VITAMIN E  
 790.1125 ASCORBIC ACID; CYANOCOBALAMIN; FLUORIDE; IRON; NICOTINIC ACID; PYRIDOXINE HYDROCHLORIDE; RIBOFLAVIN; THIAMINE HYDROCHLORIDE; VITAMIN A; VITAMIN D; VITAMIN E  
 790.1127 ASCORBIC ACID; CYANOCOBALAMIN; FLUORIDE; NICOTINIC ACID; PYRIDOXINE HYDROCHLORIDE; RIBOFLAVIN; THIAMINE HYDROCHLORIDE; VITAMIN A; VITAMIN D; VITAMIN E  
 790.1129 ASCORBIC ACID; FLUORIDE; IRON; VITAMIN A; VITAMIN D  
 790.1131 ASCORBIC ACID; FLUORIDE; VITAMIN A; VITAMIN D  
 790.1140 ASPIRIN; BUTALBITAL; CAFFEINE  
 790.1180 ASPIRIN; BUTALBITAL; CAFFEINE; PHENACETIN (Repealed)  
 790.1200 ASPIRIN; CAFFEINE; ORPHENADRINE CITRATE  
 790.1220 ASPIRIN; CAFFEINE; PHENACETIN; PROPOXYPHENE HYDROCHLORIDE (Repealed)  
 790.1260 ASPIRIN; CAFFEINE; PHENACETIN; PROPOXYPHENE HYDROCHLORIDE (Repealed)  
 790.1300 ASPIRIN; CAFFEINE; PROPOXYPHENE HYDROCHLORIDE  
 790.1345 ASPIRIN; CARISOPRODOL  
 790.1350 ASPIRIN; CODEINE PHOSPHATE  
 790.1360 ASPIRIN; MEPROBAMATE  
 790.1380 ASPIRIN; METHOCARBAMOL  
 790.1386 ASPIRIN; OXYCODONE HYDROCHLORIDE; OXYCODONE TEREPHTHALATE  
 790.1388 ATENOLOL  
 790.1390 ATENOLOL  
 790.1418 ATROPINE SULFATE  
 790.1420 ATROPINE SULFATE; DIPHENOXILATE HYDROCHLORIDE  
 790.1423 ATROPINE SULFATE; HYOSCYAMINE; PHENOBARBITAL; SCOPOLAMINE HYDROBROMIDE  
 790.1425 ATROPINE SULFATE; MEPERIDINE HYDROCHLORIDE

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT(S)

790.1440 AZATHIOPRINE SODIUM  
 790.1460 BACITRACIN  
 790.1490 BACITRACIN ZINC; HYDROCORTISONE; NEOMYCIN SULFATE; POLYMYXIN B SULFATE  
 790.1500 BACITRACIN ZINC; NEOMYCIN SULFATE; POLYMYXIN B SULFATE  
 790.1540 BACITRACIN ZINC; POLYMYXIN B SULFATE  
 790.1560 BACLOFEN  
 790.1570 BENZTROPINE MESYLATE  
 790.1573 BEPRIDIL HYDROCHLORIDE  
 790.1577 BETAMETHASONE DIPROPIONATE  
 790.1580 BETAMETHASONE SODIUM PHOSPHATE  
 790.1620 BETAMETHASONE VALERATE  
 790.1660 BETHANECHOL CHLORIDE  
 790.1685 BREVILUM TOSYLATE  
 790.1686 BREVILUM TOSYLATE; DEXTROSE  
 790.1697 BROMODIPHENHYDRAMINE HYDROCHLORIDE; CODEINE PHOSPHATE  
 790.1700 BROMPHENIRAMINE MALEATE  
 790.1706 BROMPHENIRAMINE MALEATE; CODEINE PHOSPHATE; PHENYLPROPANOLAMINE HYDROCHLORIDE  
 790.1708 BROMPHENIRAMINE MALEATE; DEXTROMETHORPHAN HYDROBROMIDE; PSEUDOEPEDRINE HYDROCHLORIDE  
 790.1710 BROMPHENIRAMINE MALEATE; PHENYLPROPANOLAMINE HYDROCHLORIDE  
 790.1719 BUPIVACAINE HYDROCHLORIDE  
 790.1721 BUPIVACAINE HYDROCHLORIDE; EPINEPHRINE BITARTRATE  
 790.1740 BUTABARBITAL SODIUM  
 790.1780 CAFFEINE; CARISOPRODOL; PHENACETIN (Repealed)  
 790.1820 CAFFEINE; ERGOTAMINE TARTRATE  
 790.1830 CALCITONIN, SALMON  
 790.1835 CALCIUM CHLORIDE; DEXTROSE; GLUTATHIONE DISULFIDE; MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM BICARBONATE; SODIUM CHLORIDE; SODIUM PHOSPHATE  
 790.1842 CALCIUM CHLORIDE; DEXTROSE; MAGNESIUM CHLORIDE; SODIUM CHLORIDE; SODIUM LACTATE  
 790.1846 CALCIUM CHLORIDE; DEXTROSE; POTASSIUM CHLORIDE; SODIUM CHLORIDE  
 790.1848 CALCIUM CHLORIDE; DEXTROSE; POTASSIUM CHLORIDE; SODIUM CHLORIDE; SODIUM LACTATE  
 790.1856 CALCIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM CHLORIDE  
 790.1858 CALCIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM CHLORIDE; SODIUM LACTATE  
 790.1860 CALCIUM GLUCEPATE  
 790.1870 CALCIUM GLUCONATE  
 790.1900 CANDICIDIN (Repealed)  
 790.1930 CARBAMAZEPINE  
 790.1940 CARBENICILLIN DISODIUM  
 790.1950 CARBINOXAMINE MALEATE; DEXTROMETHORPHAN HYDROBROMIDE; PSEUDOEPEDRINE HYDROCHLORIDE  
 790.1960 CARINOXAMINE MALEATE; PSEUDOEPEDRINE HYDROCHLORIDE  
 790.1980 CARISOPRODOL  
 790.2020 CEFADROXIL MONOHYDRATE



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT(S)

|          |  |  |
|----------|--|--|
| 790.2060 | CEFAZOLIN SODIUM   |  |
| 790.2084 | CEFTAZIDIME  |  |
| 790.2092 | CEFUROXIME SODIUM  |  |
| 790.2097 | CEPHALEXIN   |  |
| 790.2100 | CEPHALOTHIN SODIUM   |  |
| 790.2130 | CEPHAPIRIN SODIUM  |  |
| 790.2140 | CEPHRADINE/CEFRADINE DIHYDRATE   |  |
| 790.2155 | CHLORAL HYDRATE  |  |
| 790.2180 | CHLORAMPHENICOL  |  |
| 790.2220 | CHLORAMPHENICOL SODIUM SUCCINATE   |  |
| 790.2260 | CHLORDIAZEPoxide HYDROCHLORIDE   |  |
| 790.2300 | CHLORMEZANONE (Repealed)   |  |
| 790.2340 | CHLOROQUINE PHOSPHATE  |  |
| 790.2380 | CHLOROTHIAZIDE   |  |
| 790.2390 | CHLOROTHIAZIDE; METHYLDOPA   |  |
| 790.2420 | CHLOROTRIANISINE   |  |
| 790.2460 | CHLORPHENIRAMINE MALEATE   |  |
| 790.2462 | CHLORPHENIRAMINE MALEATE; CODEINE PHOSPHATE; PSEUDOEPHEDRINE HYDROCHLORIDE   |  |
| 790.2465 | CHLORPHENIRMAINE MALEATE; PHENYLEPHRINE HYDROCHLORIDE; PHENYLPROPANOLAMINE HYDROCHLORIDE; PHENYLTOLOXAMINE CITRATE |  |
| 790.2470 | CHLORPHENIRAMINE MALEATE; PHENYLPROPANOLAMINE HYDROCHLORIDE  |  |
| 790.2500 | CHLORPROPAMIDE   |  |
| 790.2510 | CHLORPROPAMIDE   |  |
| 790.2540 | CHLORTHALIDONE   |  |
| 790.2555 | CHLORTHALIDONE; CLONIDINE HYDROCHLORIDE  |  |
| 790.2580 | CHLORZOXAZONE  |  |
| 790.2583 | CHROMIC CHLORIDE   |  |
| 790.2595 | CITRIC ACID; MAGNESIUM OXIDE; SODIUM CARBONATE   |  |
| 790.2603 | CLINDAMYCIN HYDROCHLORIDE  |  |
| 790.2605 | CLINDAMYCIN PHOSPHATE  |  |
| 790.2613 | CLOFIBRATE   |  |
| 790.2614 | CLOMIPHENE CITRATE   |  |
| 790.2617 | CLONIDINE HYDROCHLORIDE  |  |
| 790.2618 | CLORAZEPATE DIPOTASSIUM  |  |
| 790.2620 | CLOTIRMAZOLE   |  |
| 790.2645 | CLOXACILLIN SODIUM MONOHYDRATE   |  |
| 790.2655 | CODEINE PHOSPHATE; GUAIFENESIN   |  |
| 790.2660 | CLOXACILLIN SODIUM MONOHYDRATE (Repealed)  |  |
| 790.2661 | CODEINE PHOSPHATE; GUAIFENESIN; PSEUDOEPHEDRINE HYDROCHLORIDE  |  |
| 790.2662 | CODEINE PHOSPHATE; IODINATED GLYCEROL  |  |
| 790.2663 | CODEINE PHOSPHATE; PHENYLEPHRINE HYDROCHLORIDE; PROMETHAZINE HYDROCHLORIDE   |  |
| 790.2668 | CODEINE PHOSPHATE; PROMETHAZINE HYDROCHLORIDE  |  |
| 790.2672 | CODEINE PHOSPHATE; PSEUDOEPHEDRINE HYDROCHLORIDE; TRIPROLIDINE HYDROCHLORIDE                                       |  |
| 790.2700 | CORTICOTROPIN  |  |
| 790.2740 | CROTAMITON   |  |
| 790.2780 | CYANOCOBALAMIN   |  |

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT(S)

|          |   |  |
|----------|---|--|
| 790.2800 | CYCLACILLIN   |  |
| 790.2805 | CYCLOBENZAPRINE HYDROCHLORIDE   |  |
| 790.2820 | CYCLOPENTOLATE HYDROCHLORIDE  |  |
| 790.2860 | CYCLOPHOSPHAMIDE  |  |
| 790.2900 | CYPROHEPTADINE HYDROCHLORIDE  |  |
| 790.2902 | CYTARABINE  |  |
| 790.2904 | DACARBAZINE   |  |
| 790.2908 | DANAZOL (Repealed)  |  |
| 790.2915 | DAUNORUBICIN HYDROCHLORIDE  |  |
| 790.2928 | DESIPRAMINE HYDROCHLORIDE (Repealed)  |  |
| 790.2932 | DESONIDE  |  |
| 790.2940 | DEXAMETHASONE   |  |
| 790.2980 | DEXAMETHASONE; NEOMYCIN SULFATE; POLYMYXIN B SULFATE  |  |
| 790.3020 | DEXAMETHASONE SODIUM PHOSPHATE  |  |
| 790.3021 | DEXAMETHASONE SODIUM PHOSPHATE; NEOMYCIN SULFATE  |  |
| 790.3023 | DEXCHLORPHENIRAMINE MALEATE   |  |
| 790.3025 | DEXTROAMPHETAMINE SULFATE   |  |
| 790.3027 | DEXTROMETHORPHAN HYDROBROMIDE; IODINATED GLYCEROL   |  |
| 790.3028 | DEXTROMETHORPHAN HYDROBROMIDE; PROMETHAZINE HYDROCHLORIDE   |  |
| 790.3029 | DEXTROSE  |  |
| 790.3030 | DEXTROSE; DOPAMINE HYDROCHLORIDE  |  |
| 790.3032 | DEXTROSE; HEPARIN SODIUM  |  |
| 790.3033 | DEXTROSE; LIDOCAINE HYDROCHLORIDE   |  |
| 790.3038 | DEXTROSE; MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM ACETATE; SODIUM CHLORIDE; SODIUM GLUCONATE |  |
| 790.3042 | DEXTROSE; POTASSIUM CHLORIDE  |  |
| 790.3048 | DEXTROSE; POTASSIUM CHLORIDE; SODIUM CHLORIDE   |  |
| 790.3049 | DEXTROSE; SODIUM CHLORIDE   |  |
| 790.3051 | DEXTROSE; THEOPHYLLINE  |  |
| 790.3054 | DIAZEPAM  |  |
| 790.3056 | DIAZOXIDE   |  |
| 790.3060 | DICLOXACILLIN SODIUM  |  |
| 790.3085 | DICYCLOMINE HYDROCHLORIDE   |  |
| 790.3100 | DIENESTROL  |  |
| 790.3140 | DIETHYLPROPION HYDROCHLORIDE  |  |
| 790.3180 | DIETHYLSTILBESTROL  |  |
| 790.3220 | DIGOXIN   |  |
| 790.3260 | DIMENHYDRINATE  |  |
| 790.3300 | DIPHENHYDRAMINE HYDROCHLORIDE   |  |
| 790.3308 | DIPYRIDAMOLE  |  |
| 790.3315 | DISOPYRAMIDE PHOSPHATE  |  |
| 790.3335 | DOPAMINE HYDROCHLORIDE  |  |
| 790.3340 | DOXEPIN HYDROCHLORIDE   |  |
| 790.3350 | DOXORUBICIN HYDROCHLORIDE   |  |
| 790.3380 | DOXYCYCLINE   |  |
| 790.3420 | DOXYCYCLINE HYCLATE   |  |
| 790.3425 | DOXYLAMINE SUCCINATE  |  |
| 790.3437 | DROPERIDOL  |  |
| 790.3440 | DROPERIDOL; FENTANYL CITRATE  |  |



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT(S)

790.3460 ECHOTHIOPHATE IODIDE (Repealed)  
790.3472 EDTATE DISODIUM  
790.3475 EDROPHONIUM CHLORIDE  
790.3488 EPINEPHRINE HYDROCHLORIDE  
790.3492 EPINEPHRINE; LIDOCAINE HYDROCHLORIDE  
790.3500 ERGOCALCIFEROL  
790.3540 ERGOLOID MESLATES  
790.3580 ERGOTAMINE TARTRATE  
790.3620 ERYTHROMYCIN  
790.3660 ERYTHROMYCIN ESTOLATE  
790.3700 ERYTHROMYCIN ETHYLSUCCINATE  
790.3720 ERYTHROMYCIN ETHYLSUCCINATE; SULFISOXAZOLE ACETYL  
790.3730 ERYTHROMYCIN LACTOBIONATE  
790.3740 ERYTHROMYCIN STEARATE  
790.3742 ERYTHROMYCIN STEARATE  
790.3780 ESTRADIOL CYPIONATE  
792.3800 ESTRADIOL CYPIONATE; TESTOSTERONE CYPIONATE  
790.3820 ESTRADIOL VALERATE  
790.3860 ESTRADIOL VALERATE; TESTOSTERONE ENANTHATE  
790.3900 ETHCHLORVYNOL  
790.3904 ETHINYL ESTRADIOL; LEVONORGESTREL  
790.3907 ETHINYL ESTRADIOL; NORETHINDRONE  
790.3910 FENOPROFEN CALCIUM  
790.3914 FENTANYL CITRATE  
790.3920 FLOXURIDINE  
790.3940 FLUOCINOLONE ACETONIDE  
790.3945 FLUOCINONIDE  
790.3960 FLUOROMETHOLONE  
790.3980 FLUOROURACIL  
790.3996 FLUPHENAZINE DECANOATE  
790.4012 FLUPHENAZINE HYDROCHLORIDE  
790.4020 FLURANDRENOLIDE  
790.4040 FLURAZEPAM HYDROCHLORIDE  
790.4060 FOLIC ACID  
790.4100 FUROSEMIDE  
790.4140 GENTAMICIN SULFATE  
790.4150 GENTAMICIN SULFATE; SODIUM CHLORIDE  
790.4173 GLUCAGON HYDROCHLORIDE  
790.4180 GLUTETHIMIDE  
790.4200 GLYCINE  
790.4220 GLYCOPYRROLATE  
790.4260 GONADOTROPIN CHORIONIC  
790.4300 GRAMICIDIN; NEOMYCIN SULFATE; POLYMYXIN B SULFATE  
790.4340 GRISEOFULVIN MICROCRYSTALLINE  
790.4380 GRISEOFULVIN ULTRAMICROCRYSTALLINE  
790.4384 GUAIFENESIN; HYDROCODONE BITARTRATE; PSEUDOEPHEDRINE HYDROCHLORIDE  
790.4385 GUAIFENESIN; THEOPHYLLINE  
790.4386 GUANETHIDINE MONOSULFATE  
790.4396 HALOPERIDOL

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT(S)

790.4398 HALOPERIDOL LACTATE  
790.4420 HEPARIN SODIUM  
790.4430 HEPARIN SODIUM; SODIUM CHLORIDE  
790.4460 HEXACHLOROPHENE  
790.4495 HOMATROPINE HYDROBROMIDE  
790.4500 HOMATROPINE METHYLBROMIDE (Repealed)  
790.4540 HOMATROPINE METHYLBROMIDE; HYDROCODONE BITARTRATE  
790.4580 HYDRALAZINE HYDROCHLORIDE  
790.4620 HYDRALAZINE HYDROCHLORIDE; HYDROCHLOROTHIAZIDE  
790.4660 HYDROCHLOROTHIAZIDE  
790.4665 HYDROCHLOROTHIAZIDE; LABETALOL HYDROCHLORIDE  
790.4667 HYDROCHLOROTHIAZIDE; LISINAPRIL  
790.4670 HYDROCHLOROTHIAZIDE; METHYLDOPA  
790.4680 HYDROCHLOROTHIAZIDE; PROPRANOLOL HYDROCHLORIDE  
790.4700 HYDROCHLOROTHIAZIDE; SPIRONOLACTONE  
790.4720 HYDROCHLOROTHIAZIDE; TRIAMTERENE  
790.4725 HYDROCODONE BITARTRATE; PHENYLPROPRANOLAMINE HYDROCHLORIDE  
790.4728 HYDROCODONE BITARTRATE; PSEUDOEPHEDRINE HYDROCHLORIDE  
790.4740 HYDROCORTISONE  
790.4780 HYDROCORTISONE; NEOMYCIN SULFATE; POLYMYXIN B SULFATE  
790.4820 HYDROCORTISONE; POLYMYXIN B SULFATE  
790.4840 HYDROCORTISONE SODIUM PHOSPHATE  
790.4860 HYDROCORTISONE; UREA  
790.4900 HYDROCORTISONE ACETATE  
790.4940 HYDROCORTISONE ACETATE; NEOMYCIN SULFATE  
790.4960 HYDROCORTISONE ACETATE; PRAMOXINE HYDROCHLORIDE  
790.4963 HYDROCORTISONE ACETATE; UREA  
790.4965 HYDROCORTISONE BUTYRATE  
790.4980 HYDROCORTISONE SODIUM SUCCINATE  
790.5020 HYDROFLUMETHIAZIDE  
790.5030 HYDROMORPHONE INJECTION  
790.5060 HYDROXOCOBALAMIN  
790.5100 HYDROXYPROGESTERONE CAPROATE  
790.5140 HYDROXYZINE HYDROCHLORIDE  
790.5180 HYDROXYZINE PAMOATE  
790.5220 IBUPROFEN  
790.5260 IDOXURIDINE  
790.5300 IMIPRAMINE HYDROCHLORIDE  
790.5312 INDOMETHACIN  
790.5320 IODINATED GLYCEROL  
790.5340 IRON DEXTRAN COMPLEX  
790.5380 ISOETHARINE HYDROCHLORIDE  
790.5420 ISONIAZID  
790.5460 ISOPROTERENOL HYDROCHLORIDE  
790.5483 ISOSORBIDE DINITRATE  
790.5500 KANAMYCIN SULFATE  
790.5520 KETAMINE HYDROCHLORIDE  
790.5530 LABETALOL HYDROCHLORIDE  
790.5540 LACTULOSE



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT (S)

790.6430 MINOCYCLINE  
790.6435 MINOXIDIL  
790.6445 MORPHINE SULFATE  
790.6450 NAFICILLIN SODIUM  
790.6452 NALBUPHINE HYDROCHLORIDE  
790.6454 NALIDIXIC ACID  
790.6456 NALOXONE HYDROCHLORIDE  
790.6460 NANDROLONE DECANOATE  
790.6480 NANDROLONE PHENPROPIONATE  
790.6500 NAPHAZOLINE HYDROCHLORIDE  
790.6505 NAPHAZOLINE HYDROCHLORIDE; PHENIRAMINE MALEATE  
790.6540 NEOMYCIN SULFATE  
790.6544 NEOMYCIN SULFATE; POLYMYXIN B SULFATE  
790.6570 NEOMYCIN SULFATE; TRIAMCINOLONE ACETONIDE  
790.6580 NIACIN  
790.6610 NIFEDIPINE  
790.6620 NITROFURANTOIN  
790.6621 NITROFURANTOIN MACROCRYSTALS  
790.6660 NITROFURAZONE  
790.6670 NITROGLYCERIN INJECTION  
790.6700 NORETHINDRONE ACETATE  
790.6740 NORTRIPTYLINE HYDROCHLORIDE  
790.6780 NYSTATIN  
790.6800 NYSTATIN; TRIAMCINOLONE ACETONIDE  
790.6820 ORPHENADRINE CITRATE  
790.6860 OXACILLIN SODIUM  
790.6875 OXAZEPAM  
790.6885 OXTRIPHYLLINE  
790.6895 OXYBUTYRIN  
790.6900 OXYPHENBUTAZONE (Repealed)  
790.6940 OXYTETRACYCLINE HYDROCHLORIDE  
790.6946 OXYTOCIN  
790.6960 PANCURONIUM BROMIDE  
790.6980 PENICILLIN G POTASSIUM  
790.7020 PENICILLIN G PROCAINE  
790.7060 PENICILLIN G SODIUM (Repealed)  
790.7100 PENICILLIN V POTASSIUM  
790.7120 PENTOBARBITAL SODIUM  
790.7130 PERPHENAZINE  
790.7140 PHENDIMETRAZINE TARTRATE  
790.7160 PHENOBARBITAL  
790.7180 PHENTERMINE HYDROCHLORIDE  
790.7181 PHENTERMINE RESIN COMPLEX  
790.7220 PHENYLBUTAZONE (Repealed)  
790.7221 PHENYLEPHRINE HYDROCHLORIDE  
790.7223 PHENYLEPHRINE HYDROCHLORIDE; PROMETHAZINE HYDROCHLORIDE  
790.7229 PHENYTOIN SODIUM INJECTION  
790.7245 PILOCARPINE HYDROCHLORIDE  
790.7260 PIPERAZINE CITRATE

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT (S)

790.5544 LEUCOVORIN CALCIUM  
790.5555 LEVOCARNITINE  
790.5560 LEVONORDEFIN; MEPIVICAINE HYDROCHLORIDE  
790.5580 LIDOCAINE  
790.5620 LIDOCAINE HYDROCHLORIDE  
790.5640 LINCOMYCIN  
790.5660 LINDANE  
790.5700 LIOTHYRONINE SODIUM  
790.5720 LISINAPRIL  
790.5740 LITHIUM CARBONATE  
790.5780 LITHIUM CITRATE  
790.5788 LOPERAMIDE  
790.5792 LORAZEPAM  
790.5795 LOXAPINE SUCCINATE  
790.5800 MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM ACETATE; SODIUM CHLORIDE; SODIUM GLUCONATE  
790.5802 MANNITOL  
790.5807 MAPROTILINE HYDROCHLORIDE  
790.5820 MECLIZINE HYDROCHLORIDE  
790.5830 MECLOFENAMATE SODIUM  
790.5835 MEDROXYPROGESTERONE ACETATE  
790.5837 MEFENAMIC ACID (Repealed)  
790.5840 MEGESTROL ACETATE  
790.5860 MENADIOL SODIUM PHOSPHATE  
790.5872 MEPERIDINE HYDROCHLORIDE  
790.5893 MEPIVICAINE HYDROCHLORIDE  
790.5900 MEFROBAMATE  
790.5924 MESTRANOL; NORETHINDRONE  
790.5940 METAPROTERENOL SULFATE  
790.5980 METARAMINOL BITARTRATE  
790.5992 METHADONE HYDROCHLORIDE  
790.5996 METHAMPHETAMINE HYDROCHLORIDE  
790.6020 METHDILAZINE HYDROCHLORIDE  
790.6060 METHENAMINE HIPPURATE  
790.6100 METHICILLIN SODIUM  
790.6140 METHOCARBAMOL  
790.6180 METHOTREXATE SODIUM  
790.6220 METHSCOPOLAMINE BROMIDE  
790.6260 METHYLCLOTHIAZIDE  
790.6275 METHYLDOPA  
790.6277 METHYLDOPATE HYDROCHLORIDE  
790.6280 METHYLPHENIDATE HYDROCHLORIDE  
790.6284 METHYLPREDNISOLONE  
790.6300 METHYLPREDNISOLONE SODIUM SUCCINATE  
790.6340 METHYLTESTOSTERONE  
790.6370 METOCLOPRAMIDE HYDROCHLORIDE  
790.6375 METOCURINE IODIDE  
790.6380 METOLAZONE  
790.6420 METRONIDAZOLE



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT(S)

790.7265 POLYETHYLENE GLYCOL 3350; POTASSIUM CHLORIDE; SODIUM BICARBONATE;  
SODIUM CHLORIDE; SODIUM SULFATE, ANHYDROUS  
790.7272 POLYMYXIN B SULFATE  
790.7278 POTASSIUM BICARBONATE  
790.7280 POTASSIUM CHLORIDE  
790.7284 POTASSIUM CHLORIDE; SODIUM CHLORIDE  
790.7288 POTASSIUM GLUCONATE  
790.7291 PRALIDOXIME CHLORIDE  
790.7294 PRAZEPAM (Repealed)  
790.7296 PRAZOSIN HYDROCHLORIDE  
790.7300 PREDNISOLONE ACETATE  
790.7340 PREDNISOLONE ACETATE; SULFACETAMIDE SODIUM  
790.7380 PREDNISOLONE SODIUM PHOSPHATE  
790.7400 PREDNISONE  
790.7420 PRIMIDONE  
790.7460 PROBENECID  
790.7500 PROCAINAMIDE HYDROCHLORIDE  
790.7510 PROCAINE HYDROCHLORIDE  
790.7540 PROCHLORPERAZINE EDISYLATE  
790.7580 PROCHLORPERAZINE MALEATE  
790.7620 PROGESTERONE  
790.7660 PROMAZINE HYDROCHLORIDE  
790.7700 PROMETHAZINE HYDROCHLORIDE  
790.7740 PROPANTHELINE BROMIDE  
790.7780 PROPARACINE HYDROCHLORIDE  
790.7820 PROPOXYPHENE HYDROCHLORIDE  
790.7828 PROPANOLOL HYDROCHLORIDE  
790.7834 PROTAMINE SULFATE  
790.7860 PSEUDOEPHEDRINE HYDROCHLORIDE; TRIPROLIDINE HYDROCHLORIDE  
790.7900 PYRIDOSTIGMINE BROMIDE  
790.7940 PYRIDOXINE HYDROCHLORIDE  
790.7980 PYRILAMINE MALEATE  
790.8015 QUINIDINE GLUCONATE  
790.8020 QUINIDINE SULFATE  
790.8030 QUININE SULFATE  
790.8060 RESERPINE  
790.8100 RIFAMPIN  
790.8106 RITODRINE HYDROCHLORIDE  
790.8136 SECOBARBITAL SODIUM  
790.8140 SELENIUM SULFIDE  
790.8180 SILVER SULFADIAZINE  
790.8220 SODIUM AMINOSALICYLATE  
790.8232 SODIUM CHLORIDE  
790.8244 SODIUM LACTATE  
790.8248 SODIUM NITROPRUSSIDE (Repealed)  
790.8260 SODIUM POLYSTYRENE SULFONATE  
790.8290 SOYBEAN OIL  
790.8300 SPIRONOLACTONE  
790.8340 STREPTOMYCIN SULFATE

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT(S)

790.8378 SULFABENZAMIDE; SULFACETAMIDE; SULFATHIAZOLE  
790.8380 SULFABENZAMIDE; SULFACETAMIDE; SULFATHIAZOLE; UREA  
790.8420 SULFACETAMIDE SODIUM  
790.8460 SULFADIAZINE  
790.8500 SULFAMETHIZOLE  
790.8540 SULFAMETHOXAZOLE  
790.8580 SULFAMETHOXAZOLE; TRIMETHOPRIM  
790.8590 SULFANILAMIDE  
790.8620 SULFASALAZINE  
790.8660 SULFINPYRAZONE  
790.8700 SULFISOXAZOLE  
790.8710 SULINDAC  
790.8724 TEMAZEPAM  
790.8727 TERBUTALINE SULFATE  
790.8740 TESTOSTERONE CYPIONATE  
790.8780 TESTOSTERONE ENANTHATE  
790.8820 TESTOSTERONE PROPIONATE  
790.8860 TETRACYCLINE  
790.8900 TETRACYCLINE HYDROCHLORIDE  
790.8940 THEOPHYLLINE  
790.8980 THIAMINE HYDROCHLORIDE  
790.9020 THIORIDAZINE HYDROCHLORIDE  
790.9035 THIOXIXENE  
790.9045 THIOXIXENE HYDROCHLORIDE  
790.9048 TIMOLOL MALEATE  
790.9050 TOBRAMYCIN SULFATE  
790.9056 TOLAZAMIDE  
790.9060 TOLBUTAMIDE  
790.9070 TOLMETIN SODIUM  
790.9084 TRAZODONE HYDROCHLORIDE  
790.9100 TRIAMCINOLONE ACETONIDE  
790.9140 TRIFLUOPERAZINE HYDROCHLORIDE  
790.9180 TRHEXYPHENIDYL HYDROCHLORIDE  
790.9220 TRIMEPRAZINE TARTRATE  
790.9260 TRIMETHOBENZAMIDE HYDROCHLORIDE  
790.9300 TRIMETHOPRIM  
790.9320 TRIMIPRAMINE MALEATE  
790.9340 TRIPELENNAMINE HYDROCHLORIDE  
790.9380 TRIPROLIDINE HYDROCHLORIDE  
790.9420 TRISULFAPYRIMIDINE  
790.9460 TROPICAMIDE  
790.9475 VALPROATE SODIUM  
790.9478 VALPROIC ACID  
790.9486 VANCOMYCIN HYDROCHLORIDE  
790.9500 VERAPAMIL HYDROCHLORIDE  
790.9520 VINBLASTINE SULFATE  
790.9530 VINCRIStINE SULFATE  
790.9540 VITAMIN A  
790.9580 VITAMIN A PALMITATE



790.9620 WATER FOR INJECTION, STERILE  
790.9660 WATER FOR IRRIGATION, STERILE  
790.9800 XYLOSE

AUTHORITY: Implementing and authorized by Section 3.14 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 503.14) and Section 25 of the Pharmacy Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 4145).

SOURCE: Emergency amendment at 2 Ill. Reg. 18, p. 47, effective April 26, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 26, p. 150, effective July 1, 1978; emergency amendment at 2 Ill. Reg. 40, p. 98, effective October 1, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 51, p. 48, effective December 18, 1978; emergency amendment at 3 Ill. Reg. 2, p. 18, effective December 31, 1978, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 15, p. 147, effective April 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 27, p. 113, effective July 1, 1979; emergency amendment at 3 Ill. Reg. 32, p. 158, effective August 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 41, p. 178, effective October 8, 1979; emergency amendment at 4 Ill. Reg. 51, p. 147, effective December 12, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 3466, effective March 25, 1981; amended at 5 Ill. Reg. 7107, effective June 24, 1981; amended at 5 Ill. Reg. 9120, effective October 1, 1981; amended at 5 Ill. Reg. 14605, effective February 1, 1982; amended at 6 Ill. Reg. 6750, effective July 1, 1982; amended at 6 Ill. Reg. 11558, effective September 15, 1982; amended at 6 Ill. Reg. 15195, effective December 15, 1982; amended at 7 Ill. Reg. 7110, effective July 1, 1983; amended at 7 Ill. Reg. 13270, effective October 1, 1983; amended at 7 Ill. Reg. 16924, effective January 1, 1984; amended at 8 Ill. Reg. 2162, effective March 1, 1984; amended at 8 Ill. Reg. 8513, effective July 1, 1984; codified at 8 Ill. Reg. 13402; amended at 8 Ill. Reg. 22108, effective November 1, 1984; amended at 9 Ill. Reg. 4071, effective April 1, 1985; amended at 9 Ill. Reg. 6816, effective May 1, 1985; amended at 10 Ill. Reg. 253, effective January 1, 1986; amended at 10 Ill. Reg. 8814, effective May 15, 1986; amended at 11 Ill. Reg. 3565, effective February 23, 1987; amended at 11 Ill. Reg. 9223, effective May 15, 1987; amended at 11 Ill. Reg. 14382, effective August 15, 1987; amended at 12 Ill. Reg. 1823, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1984, effective January 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 7743, effective April 15, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 9153, effective May 13, 1988; amended at 12 Ill. Reg. 10133, effective May 31, 1988; emergency amendment at 12 Ill. Reg. 10745, effective June 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12846, effective July 29, 1988; emergency amendment at 12 Ill. Reg. 13255, effective August 5, 1988, for a maximum of 150 days; emergency expired January 2, 1989; amended at 12 Ill. Reg. 15101, effective September 16, 1988; emergency amendment at 12 Ill. Reg. 16937, effective October 7, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 856, effective January 6, 1989; emergency amendment at 13 Ill. Reg. 3108, effective February 28, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 8890, effective May 26, 1989, and January 1, 1990; amended at 13 Ill. Reg. 11717, effective July 14, 1989; corrected at 13

Ill. Reg. 12909; emergency amendment at 13 Ill. Reg. 12990, effective August 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 14477; emergency amendment at 13 Ill. Reg. 17101, effective October 13, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19770, effective December 8, 1989; emergency amendment at 14 Ill. Reg. 1505, effective January 12, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 3184, effective February 16, 1990; emergency amendment at 14 Ill. Reg. 4620, effective March 9, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 8154, effective May 11, 1990; emergency amendment at 14 Ill. Reg. 9556, effective June 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 11988, effective July 13, 1990; emergency amendment at 14 Ill. Reg. 13325, effective August 10, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 17298, effective October 5, 1990; emergency amendment at 14 Ill. Reg. 18588, effective November 9, 1990; emergency expired April 8, 1991; amended at 14 Ill. Reg. 20755, effective December 21, 1990; emergency amendment at 15 Ill. Reg. 3537, effective March 8, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 6566, effective April 19, 1991; emergency amendment at 15 Ill. Reg. 11194, effective July 19, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11791, effective August 2, 1991; emergency amendment at 15 Ill. Reg. 16484, effective October 25, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18697, effective December 13, 1991; emergency amendment at 16 Ill. Reg. 4899, effective March 14, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 5941, effective March 24, 1992; emergency amendment at 16 Ill. Reg. 8571, effective May 22, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12913, effective August 10, 1992; amended at 16 Ill. Reg. 16019, effective September 30, 1992.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT(S)

## SUBPART B: APPROVED DRUG PRODUCTS FOR DRUG PRODUCT SELECTION

## Section 790.600 ACETAMINOPHEN; PROPOXYPHENE NAPSYLATE

| DRUG  | DOSAGE FORM, STRENGTH  | APPLICATION HOLDER,<br>MANUFACTURER  |
|---|--|--|
| Acetaminophen;<br>Propoxyphene Napsylate                    | tab 325mg;50mg<br>tab 650mg;100mg<br>ø tab 325mg;50mg<br>ø tab 650mg;100mg<br>tab 650mg;100mg<br>tab 325mg;50mg<br>tab 650mg;100mg<br>tab 650mg;100mg<br>tab 650mg;100mg<br>tab 650mg;100mg<br>tab 650mg;100mg<br>tab 650mg;100mg<br>tab 650mg;100mg | Barr<br>Barr<br>Bolar<br>Bolar<br>Geneva<br>Halsey<br>Halsey<br>Lederle/Am Cyanamid<br>Lemmon<br>Mylan<br>Purepac/Kalipharma<br>Superpharm<br>Zenith |
| Brand(s)<br>Darvocet-N 50<br>Darvocet-N 100<br>Propacet 100 | tab 325mg;50mg<br>tab 650mg;100mg<br>tab 650mg;100mg<br>tab 650mg;100mg  | Lilly<br>Lilly<br>Lemmon   |

(Source: Amended at 16 Ill. Reg. 16019, effective September 30, 1992)

## Section 790.740 ALBUTEROL SULFATE

| DRUG                              | DOSAGE FORM, STRENGTH   | APPLICATION HOLDER,<br>MANUFACTURER   |
|-----------------------------------|---|---|
| Albuterol Sulfate                 | tab eq 2,4mg base<br>tab eq 2,4mg base<br>tab eq 2,4mg base<br>tab eq 2,4mg base<br>tab eq 2,4mg base<br>tab eq 2,4mg base<br>tab eq 2,4mg base<br>tab eq 2,4mg base<br>tab eq 2,4mg base<br>tab eq 2,4mg base<br>tab eq 2,4mg base<br>soln for inh eq 0.5% base<br>soln for inh eq 0.5% base | American Therapeutics<br>Biocraft<br>Copley<br>Danbury<br>Geneva<br>Lederle/Am Cyanamid<br>Lemmon<br>Mutual<br>Mylan<br>Siddmak<br>Warner Chilcott/W-L<br>Watson<br>Schering<br>Glaxo |
| Brand(s)<br>Proventil<br>Ventolin |   |   |

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT(S)

|   |  |  |
|---|--|--|
| Proventil<br>Ventolin<br>Proventil<br>Ventolin                        | syrr eq 2mg base/5ml<br>syrr eq 2mg base/5ml<br>tab eq 2,4mg base<br>tab eq 2,4mg base | Schering<br>Glaxo<br>Schering<br>Glaxo |
| (Source: Amended at 16 Ill. Reg. 16019, effective September 30, 1992) |  |  |

## Section 790.788 AMANTADINE HYDROCHLORIDE

| DRUG  | DOSAGE FORM, STRENGTH  | APPLICATION HOLDER,<br>MANUFACTURER   |
|---|--|---|
| Amantadine Hydrochloride  | cap 100mg<br>cap 100mg<br>cap 100mg<br>syrr 50 mg/5ml<br>syrr 50mg/5ml | Bolar<br>Invamed<br>Pharmaceutical Basics<br>Copley<br>National Pharm/Barre |
| Brand(s)<br>Symmadine<br>Symmetrel<br>Symmetrel                       | cap 100mg<br>cap 100mg<br>syrr 50mg/5ml                                | Solvay<br>DuPont<br>DuPont  |
| (Source: Amended at 16 Ill. Reg. 16019, effective September 30, 1992) |  |   |

## Section 790.799 AMILORIDE HYDROCHLORIDE; HYDROCHLOROTHIAZIDE

| DRUG  | DOSAGE FORM, STRENGTH  | APPLICATION HOLDER,<br>MANUFACTURER               |
|---|--|---|
| Amiloride Hydrochloride;<br>Hydrochlorothiazide                       | tab 5mg;50mg<br>tab 5mg;50mg<br>tab 5mg;50mg<br>tab 5mg;50mg<br>tab 5mg;50mg | Barr<br>Biocraft<br>Geneva<br>Mylan<br>Royce Labs |
| Brand(s)<br>Hydro-ride<br>Moduretic 5/50                              | tab 5mg;50mg<br>tab 5mg;50mg   | Par<br>MSD/Merck                                  |
| (Source: Amended at 16 Ill. Reg. 16019, effective September 30, 1992) |  |   |

## Section 790.1388 ATENOLOL

| DRUG | DOSAGE FORM, STRENGTH | APPLICATION HOLDER,<br>MANUFACTURER |
|------|-----------------------|-------------------------------------|
|      |                       |                                     |



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT(S)

Atenolol

tab 50,100mg  
tab 50,100mg  
tab 50,100mg  
tab 50,100mg  
tab 50,100mg

Danbury  
Geneva  
IPR  
Lederle/Am Cyanamid  
Mylan

Brand(s)

Tenormin

tab 50,100mg

Imperial Chem

(Source: Amended at 16 Ill. Reg. 16019, effective

September 30, 1992)

## Section 790.1570 BENZTROPINE MESYLATE

DRUG

Benztropine Mesylate

tab 0.5,1,2mg  
tab 1,2mg  
tab 0.5,1,2mg  
tab 0.5,1,2mg  
tab 0.5,1,2mg  
tab 0.5,1,2mg

Invamed  
Mutual  
Par  
Quantum  
Sidmak

Brand(s)

Cogentin

tab 0.5,1,2mg

(Source: Amended at 16 Ill. Reg. 16019, effective

September 30, 1992)

## Section 790.1835 CALCIUM CHLORIDE; DEXTROSE; GLUTATHIONE DISULFIDE; MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM BICARBONATE; SODIUM CHLORIDE; SODIUM PHOSPHATE

DRUG

Calcium Chloride;  
Dextrose; Glutathione  
Disulfide; Magnesium  
Chloride; Potassium  
Chloride; Sodium  
Bicarbonate; Sodium  
Chloride; Sodium  
Phosphate

Brand(s)

Endosol Plus

soln, irrigation  
0.154mg/ml; 0.92mg/ml;  
0.184mg/ml; 0.2mg/ml;  
0.38mg/ml; 2.1mg/ml;  
7.14mg/ml; 0.42mg/ml

Alcon

APPLICATION HOLDER,  
MANUFACTURER

soln, irrigation

0.154mg/ml; 0.92mg/ml;  
0.184mg/ml; 0.2mg/ml;  
0.38mg/ml; 2.1mg/ml;  
7.14mg/ml; 0.42mg/ml

Entravision

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT(S)

(Source: Added at 16 Ill. Reg. 16019, effective  
September 30, 1992)

## Section 790.2060 CEFAZOLIN SODIUM

DRUG

Cefazolin Sodium

DOSAGE FORM, STRENGTH

inj  
inj  
inj  
inj  
inj  
inj

Brand(s)

Ancef  
Kefzol  
Zolicef

inj  
inj  
inj  
inj  
inj  
inj

(Source: Amended at 16 Ill. Reg. 16019, effective  
September 30, 1992)

APPLICATION HOLDER,  
MANUFACTURER

Baxter  
Ben Venue  
Elkins-Sinn/Robins  
G.C. Hanford  
Lemmon  
LyphoMed  
Marsam

SKF  
Lilly  
Bristol/B-M

## Section 790.2805 CYCLOBENZAPRINE HYDROCHLORIDE

DRUG

Cyclobenzaprine  
Hydrochloride

DOSAGE FORM, STRENGTH

tab 10mg  
tab 10mg  
tab 10mg  
tab 10mg

Brand(s)

Flexeril

tab 10mg

(Source: Amended at 16 Ill. Reg. 16019, effective  
September 30, 1992)

APPLICATION HOLDER,  
MANUFACTURER

Danbury  
Geneva  
Mylan  
Watson

MDS/Merck

## Section 790.3437 DROPERIDOL

DRUG

Droperidol

DOSAGE FORM, STRENGTH

inj 2.5mg/ml  
@ inj 2.5mg/ml  
inj 2.5mg/ml  
inj 2.5mg/ml  
inj 2.5mg/ml  
@ inj 2.5mg/ml

APPLICATION HOLDER,  
MANUFACTURER

Abbott  
Astra  
DuPoint Pharms  
Luitpold  
LyphoMed  
Quad







| DRUG                | DOSAGE FORM, STRENGTH | MANUFACTURER          |
|---------------------|-----------------------|-----------------------|
| Hydrochlorothiazide | soln 50mg/5ml         | Pharmaceutical Basics |
|                     | soln 50mg/5ml         | Roxane                |
|                     | tab 25,50mg           | (Ascot)               |
|                     | tab 25,50,100mg       | Barr                  |
|                     | q tab 25,50,100mg     | Bolar                 |
|                     | tab 25,50mg           | Boots                 |
|                     | tab 25,50mg           | Canall                |
|                     | q tab 25,50,100mg     | Chelsea               |
|                     | tab 25,50,100mg       | Danbury               |
|                     | tab 25,50mg           | Geneva                |
|                     | tab 50mg              | Heather               |
|                     | tab 25,50mg           | Inwood/Forest         |
|                     | tab 25,50,100mg       | Lederle/Am Cyanamid   |
|                     | tab 25,50mg           | Lemmon                |
|                     | tab 25,50mg           | MM Mast               |
|                     | q tab 25,50mg         | Mylan                 |
|                     | tab 25,50mg           | Pharmafair            |
|                     | tab 25,50mg           | Private Formulations  |
|                     | tab 25,50mg           | Purepac/Kalipharma    |
|                     | tab 50mg              | Quantum               |
|                     | tab 25,50,100mg       | Richlyn               |
|                     | tab 50mg              | Roxane                |
|                     | q tab 25mg            | Solvay                |
|                     | tab 25,50,100mg       | Superpharm            |
|                     | q tab 25,50,100mg     | Towne Paulsen         |
|                     | q tab 25,50mg         | (Vanguard/MM)         |
|                     | tab 25,50mg           | Vitarine              |
|                     | tab 25,50mg           | Warner-Chilcott/W-L   |
|                     | tab 25,50mg           | West-Ward             |
|                     | tab 25,50,100mg       | zenith                |
| Brand(s)            |                       |                       |
| Esidrix             | tab 25,50,100mg       | Ciba/Ciba-Geigy       |
| Hydro-D             | tab 25,50mg           | Halsey                |
| HydroDIURIL         | tab 25,50,100mg       | MSD/Merck             |
| Oretic              | tab 25,50mg           | Abbott                |
| Thiuretic           | tab 25,50mg           | Parke-Davis/W-L       |
| Zide                | q tab 50mg            | Solvay                |

(Source: Amended at 16 Ill. Reg. 16019, effective September 30, 1992 )

Section 790.4680 HYDROCHLOROTHIAZIDE; PROPRANOLOL HYDROCHLORIDE

| DRUG                 | DOSAGE FORM, STRENGTH | APPLICATION HOLDER,<br>MANUFACTURER |
|----------------------|-----------------------|-------------------------------------|
| Hydrochlorothiazide; | tab 25mg; 40mg        | Barr                                |

[illegible]

Section 790.4900 HYDROCORTISONE ACETATE

|                                  |                       |                     |
|----------------------------------|-----------------------|---------------------|
| DRUG                             | DOSAGE FORM, STRENGTH | APPLICATION HOLDER, |
| Hydrocortisone Acetate           | cream 1%              | MANUFACTURER        |
|                                  | cream 1%              | HR Cenci            |
| Brand(s)                         |                       | Purepac/Kalipharma  |
| Anusol HC                        | cream 1%              | Parke-Davis/W-L     |
| (Source: Amended at 16 Ill. Reg. |                       | 16019, effective    |
| September 30, 1992 )             |                       |                     |
| Section 790.5788 LOPERAMIDE      |                       |                     |
| DRUG                             | DOSAGE FORM, STRENGTH | APPLICATION HOLDER, |
| LOperamide                       | cap 2mg               | MANUFACTURER        |
|                                  | cap 2mg               | Mylan               |
|                                  | cap 2 mg              | Novopharm           |
|                                  |                       | Roxane              |







## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT(S)

| Brand(s)     | DRUG                  | DOSAGE FORM, STRENGTH | MANUFACTURER    |
|--------------|-----------------------|-----------------------|-----------------|
| Octamide PFS | tab eq 10mg base      | 16019                 | Superpharm      |
| Reglan       | tab eq 10mg base      | 16019                 | Watson          |
| Reglan       | injection 5mg base/ml | 16019                 | David Bull Labs |
| Reglan       | injection 5mg base/ml | 16019                 | Robins          |
| Clopra       | syr eq 5mg base/5ml   | 16019                 | Robins          |
| Maxolon      | tab eq 5,10mg base    | 16019                 | Quantum         |
| Reglan       | tab eq 10mg base      | 16019                 | Beecham         |
|              | tab eq 5,10mg base    | 16019                 | Robins          |

(Source: Amended at 16 Ill. Reg. 16019, effective September 30, 1992)

## Section 790.6430 MINOCYCLINE

| DRUG        | DOSAGE FORM, STRENGTH         | MANUFACTURER        |
|-------------|-------------------------------|---------------------|
| Minocycline | cap 50,100mg                  | Danbury             |
|             | cap 50,100mg                  | Warner-Chilcott/W-L |
| Brand(s)    |                               |                     |
| Minocin     | cap 50,100mg                  | Lederle/Am Cyanamid |
| Minocin     | cap, coated pellets 50, 100mg | Lederle/Am Cyanamid |

\*NOTE: The footnote that appeared previously with this drug entity has been deleted. All products listed above are available for drug product selection.

(Source: Amended at 16 Ill. Reg. 16019, effective September 30, 1992)

## Section 790.6610 NIFEDIPINE

| DRUG       | DOSAGE FORM, STRENGTH | MANUFACTURER        |
|------------|-----------------------|---------------------|
| Nifedipine | cap 10,20mg           | Chase               |
|            | cap 10,20mg           | Purepac/Kalipharma  |
|            | cap 10mg              | RP Scherer          |
|            | cap 10,20mg           | Warner-Chilcott/W-L |
| Brand(s)   |                       |                     |
| Adalat     | cap 10,20mg           | Miles               |
| Procardia  | cap 10,20mg           | Pfizer              |

(Source: Amended at 16 Ill. Reg. 16019, effective September 30, 1992)

## Section 790.6780 NYSTATIN

APPLICATION HOLDER,

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT(S)

| DRUG     | DOSAGE FORM, STRENGTH  | MANUFACTURER          |
|----------|------------------------|-----------------------|
| Nystatin | cream 100,000U/gm      | Altana                |
|          | cream 100,000U/gm      | Clay-Park             |
|          | cream 100,000U/gm      | Lemmon                |
|          | cream 100,000U/gm      | Naska                 |
|          | cream 100,000U/gm      | Thames                |
|          | ointment 100,000U/gm   | Altana                |
|          | ointment 100,000U/gm   | Clay-Park             |
|          | ointment 100,000U/gm   | Naska                 |
|          | susp, oral 100,000U/ml | Bausch & Lomb         |
|          | susp, oral 100,000U/ml | Biocraft              |
|          | susp, oral 100,000U/ml | Fougera/Pharmaderm    |
|          |                        | Savage/Altana         |
|          | susp, oral 100,000U/ml | Lemmon                |
|          | susp, oral 100,000U/ml | Naska                 |
|          | susp, oral 100,000U/ml | National Pharm/Barre  |
|          | susp, oral 100,000U/ml | Pharmaceutical Basics |
|          | susp, oral 100,000U/ml | Roxane                |
|          | susp, oral 100,000U/ml | Thames                |
|          | susp, oral 100,000U/ml | Chelsea               |
|          | tab, oral 500,000U     | Lemmon                |
|          | tab, oral 500,000U     | Mutual                |
|          | tab, oral 500,000U     | Par                   |
|          | tab, oral 500,000U     | Pharmaceutical Basics |
|          | tab, oral 500,000U     | Quantum               |
|          | tab, oral 500,000U     | Vitarine              |
|          | tab, vag 100,000U      | Chelsea               |
|          | tab, vag 100,000U      | Fougera/Pharmaderm    |
|          | tab, vag 100,000U      | Lemmon                |
|          | tab, vag 100,000U      | Quantum               |
|          | tab, vag 100,000U      | Sidmak                |
|          | tab, vag 100,000U      | Vitarine              |
|          | cream 100,000U/gm      | Miles                 |
|          | cream 100,000U/gm      | Squibb                |
|          | cream 100,000U/gm      | NMC                   |
|          | cream 100,000U/gm      | Lederle/Am Cyanamid   |
|          | ointment 100,000U/gm   | Squibb                |
|          | ointment 100,000U/gm   | NMC                   |
|          | ointment 100,000U/gm   | Lederle/Am Cyanamid   |
|          | ointment 100,000U/gm   | Barian Pharma         |
|          | ointment 100,000U/gm   | Lederle/Am Cyanamid   |
|          | ointment 100,000U/gm   | Paddock Labs          |
|          | ointment 100,000U/gm   | Squibb                |
|          | ointment 100,000U/gm   | Lederle/Am Cyanamid   |
|          | ointment 100,000U/gm   | Squibb                |
|          | ointment 100,000U/gm   | Savage/Altana         |
|          | ointment 100,000U/gm   | Squibb                |
|          | ointment 100,000U/gm   | Lederle/Am Cyanamid   |







## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT(S)

September 30, 1992

Section 790.8030 QUININE SULFATE

| DRUG            | DOSAGE FORM, STRENGTH |
|-----------------|-----------------------|
| Quinine Sulfate | tab 260mg             |
|                 | tab 260mg             |
|                 | tab 260mg             |
| Brand(s)        |                       |
| Quinamm         | tab 260mg             |

(Source: Added at 16 Ill. Reg. September 30, 1992)

Section 790.9050 TOBRAMYCIN SULFATE

| DRUG               | DOSAGE FORM, STRENGTH |
|--------------------|-----------------------|
| Tobramycin Sulfate | inj 10,40mg/ml        |
|                    | inj 10,40mg/ml        |
|                    | inj 10,40mg/ml        |
|                    | inj 10,40mg/ml        |
| Brand(s)           |                       |
| Nebcin             | inj 10,40mg/ml        |

(Source: Amended at 16 Ill. Reg. September 30, 1992)

Section 790.9070 TOLMETIN SODIUM

| DRUG          | DOSAGE FORM, STRENGTH |
|---------------|-----------------------|
| Tolmetin      | cap 400mg             |
|               | tab 200mg             |
| Brand(s)      |                       |
| Tolmetin D.S. | cap 400mg             |
| Tolmetin      | tab 200mg             |

(Source: Added at 16 Ill. Reg. September 30, 1992)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part:

Retail Food Store Sanitation Code

2) Code Citation:

77 Ill. Adm. Code 760

3) Section Numbers:

760.15 Amendment  
 760.20 Amendment  
 760.100 Amendment  
 760.110 Amendment  
 760.900 Amendment  
 760.2000 New Section  
 760.2010 New Section  
 760.2020 New Section  
 760.2030 New Section  
 760.2031 New Section  
 760.2032 New Section  
 760.2040 New Section  
 760.2041 New Section  
 760.2042 New Section  
 760.2050 New Section  
 760.2060 New Section  
 760.2070 New Section  
 760.2080 New Section  
 760.3000 New Section  
 760.3100 New Section  
 760.3200 New Section

Adopted Action:4) Statutory Authority:

The Sanitary Food Preparation Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 66.90 et seq.)

The Food Service Handling Regulation Enforcement Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 330 et seq.)

The Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 501 et seq.)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

- 5) Effective Date of Amendments: October 1, 1992
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain any Incorporations by Reference? Yes
- 8) Date Filed in Agency's Principal Office: September 25, 1992
- 9) Date Notice of Proposed Amendments was Published in the Illinois Register:  
16 Ill. Reg. 5861 - April 10, 1992
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking? No
- 11) Difference Between Proposal and Final Version:  

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

Section 760.110(i) has been revised to read as follows:

Foods packaged or repackaged by charitable or not-for-profit organizations for distribution to people in need shall bear the common and/or usual name of the product and the name of the distributing organization. A list of ingredients for any multi-ingredient product shall be posted or made available upon request. Prepared, ready-to-eat foods donated by food service establishments to charitable or not-for-profit organizations are exempt from the ingredient listing requirements of this subsection.

In Section 760.3100(f), "Ground Veal Veal" has been added after "Turkey".

In addition, various typographical, grammatical and format changes were made in response to comments from the Administrative Code Division and the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? Yes
- 13) Will the Amendments Replace an Emergency Rule Currently in Effect? No

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any other Amendments Pending on this Part? No
- 15) Summary and Purpose of Amendments:  

This rulemaking will provide guidance in areas of retail meat and poultry processing which are not regulated by the Department of Agriculture. Complex and potentially hazardous meat and poultry processing occurs in retail facilities where no guidance is available in coded rule form. The Department prohibited retail vacuum packaging (reduced oxygen packaging) in 1988, based on an FDA interpretation of a Model Food Service Code section identical to Illinois' code requirements. Proposed methodology, primarily the Hazard Analysis Critical Control Point (HACCP) concept, coupled with prior approval by the regulatory agency, would provide a safe application of this technology. These adopted rules were developed through a joint effort of FDA, USDA, academia, local and state regulatory agencies and the food industry. The adopted rules are similar to USDA's Partial Quality Control Program and FDA's Reduced Oxygen Packaging at Retail Interpretation (under development).

"Exotic" meats are becoming more commonplace in food service facilities. These amendments will clarify the requirement that all meat of mammalian and avian origin, including wild game and wild game birds, shall be obtained from an approved source. Although the Illinois Meat and Poultry Inspection Act excludes by definition certain animals (lion, llama, etc.) and certain birds (pheasant, quail, etc.) from inspection, the Department of Agriculture developed voluntary inspection programs for non-domesticated meats. The Department has also worked closely with the Departments of Agriculture and Conservation to make certain that the adopted amendment does not conflict with their existing regulations, or place undue restrictions on the individuals rearing the animal or bird.

The Department's rules entitled "Uniform Retail Meat Identity" (77 Ill. Adm. Code 770) provides definitions of ground meat and poultry products, fat content labeling, and seasonings and additives which are permitted or prohibited. These rules have been repealed as a separate Part and the substance of the rules incorporated into the Retail Food Store Sanitation Code (77 Ill. Adm. Code 760).

The adopted amendments also include basic labeling requirements for foods pre-packaged at the retail level. This provision will ensure that consumers have adequate labeling information (in English) to make informed judgments about the food they eat, concerning the name of the product, the list of ingredients contained in the product in decreasing order, weight of the product, and the name and address of the processor or packager.

Maximum contaminant levels and monitoring frequencies of potable water supplies for



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

all retail food stores as listed in the Drinking Water Systems Code (77 Ill. Adm. 900) are also incorporated into this Part.

Tags accompanying Interstate Shellfish Sanitation Conference (ISSC) certified shellstock (oysters, clams, mussels) and invoices from certified shucked shellfish are required to be maintained by the food service establishment for 90 days. This is to facilitate an epidemiologic traceback to the source in case the shellfish are implicated in an outbreak of Hepatitis A or other foodborne pathogen.

- 16) Information and Questions Regarding this Adopted rulemaking shall be directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Amendments begins on the next page.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENT(S)

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 760

RETAIL FOOD STORE SANITATION CODE

SUBPART A: GENERAL PROVISIONS

| Section | Purpose                           |
|---------|-----------------------------------|
| 760.10  | Incorporated Materials            |
| 760.15  | Definitions                       |
| 760.20  | Inspections and Inspection Report |
| 760.30  |                                   |

SUBPART B: FOOD

|         |  |
|---------|--|
| Section | General - Food Supplies                                |
| 760.100 | Special Requirements for Food Supplies                 |
| 760.110 | General - Food Protection                              |
| 760.120 | Emergency Occurrences                                  |
| 760.130 | General - Food Storage                                 |
| 760.140 | Refrigerated/Frozen Storage                            |
| 760.150 | Hot Storage  |
| 760.160 | Damaged Food Containers                                |
| 760.165 | General - Food Preparation                             |
| 760.170 | Preparing Raw Fruits and Raw Vegetables                |
| 760.180 | Cooking Potentially Hazardous Foods                    |
| 760.190 | Bakery Product Fillings                                |
| 760.200 | Reheating  |
| 760.210 | Food Product Thermometers                              |
| 760.220 | Thawing Potentially Hazardous Foods                    |
| 760.230 | Displaying Potentially Hazardous Foods                 |
| 760.240 | Displaying Frozen Foods                                |
| 760.250 | Food Display   |
| 760.260 | Dispensing Utensils                                    |
| 760.270 | Food Sample Demonstrations and Food Promotions         |
| 760.280 | General - Food Transportation by the Retail Food Store |
| 760.290 |  |

SUBPART C: PERSONNEL

|         |                                |
|---------|--------------------------------|
| Section | General - Employee Health      |
| 760.400 | General - Personal Cleanliness |
| 760.410 | General - Clothing             |
| 760.420 | General - Employee Practices   |
| 760.430 |                                |

SUBPART D: EQUIPMENT AND UTENSILS



NOTICE OF ADOPTED AMENDMENT(S)

DEPARTMENT OF PUBLIC HEALTH

| Section |   |
|---------|---|
| 760.500 | General - Materials                           |
| 760.510 | Solder  |
| 760.520 | Wood  |
| 760.530 | Plastics and Rubber Materials                 |
| 760.540 | Cutting Surfaces                              |
| 760.550 | Single-Service Articles                       |
| 760.560 | General - Design and Fabrication              |
| 760.570 | Accessibility                                 |
| 760.580 | Cleaned in Place (CIP)                        |
| 760.590 | Food Product Thermometers                     |
| 760.600 | Non-Food-Contact Surfaces                     |
| 760.610 | Ventilation Hoods                             |
| 760.620 | Maintenance of Equipment and Utensils         |
| 760.630 | General - Equipment Installation and Location |
| 760.640 | Table-Mounted Equipment                       |
| 760.650 | Floor-Mounted Equipment                       |
| 760.660 | Aisles and Working Spaces                     |

SUBPART E: CLEANING, SANITIZATION,  
AND STORAGE OF EQUIPMENT AND UTENSILS

| Section |  |
|---------|--|
| 760.700 | Cleaning Frequency   |
| 760.710 | Wiping Cloths  |
| 760.720 | Manual Cleaning and Sanitizing                                       |
| 760.730 | Mechanical Cleaning and Sanitizing                                   |
| 760.740 | Drying   |
| 760.750 | Retail Food Stores Without Equipment and Utensil Cleaning Facilities |
| 760.760 | Equipment and Utensil Handling                                       |
| 760.770 | Equipment and Utensil Storage  |
| 760.780 | Single-Service Articles Handling and Storage                         |
| 760.790 | Prohibited Storage Areas   |

SUBPART F: SANITARY FACILITIES AND CONTROLS

| Section  |                         |
|----------|-------------------------|
| 760.900  | General - Water Supply  |
| 760.910  | Water Delivery          |
| 760.920  | Water Under Pressure    |
| 760.930  | Steam                   |
| 760.940  | General - Sewage        |
| 760.950  | General - Plumbing      |
| 760.960  | Nonpotable Water System |
| 760.970  | Backflow                |
| 760.980  | Grease Traps            |
| 760.990  | Garbage Grinders        |
| 760.1000 | Drains                  |
| 760.1010 | Toilet Installation     |

NOTICE OF ADOPTED AMENDMENT(S)

DEPARTMENT OF PUBLIC HEALTH

| Section  |   |
|----------|---|
| 760.1020 | Toilet Design   |
| 760.1030 | Toilet Rooms  |
| 760.1040 | Toilet Facility Maintenance                                   |
| 760.1050 | Handwashing Facility Installation                             |
| 760.1060 | Handwashing Facility Faucets                                  |
| 760.1070 | Handwashing Supplies  |
| 760.1080 | Handwashing Facility Maintenance                              |
| 760.1090 | Garbage and Refuse Containers                                 |
| 760.1100 | Garbage and Refuse Container Storage                          |
| 760.1110 | Garbage and Refuse Disposal                                   |
| 760.1120 | General - Insect and Rodent Control                           |
| 760.1130 | Openings to be Protected Against Entry of Rodents and Insects |

SUBPART G: CONSTRUCTION AND MAINTENANCE  
OF PHYSICAL FACILITIES

| Section  |   |
|----------|---|
| 760.1200 | Floor Construction  |
| 760.1210 | Floor Carpeting   |
| 760.1220 | Prohibited Floor Covering   |
| 760.1230 | Mats and Duckboards   |
| 760.1240 | Utility Line Installation   |
| 760.1250 | Wall and Ceiling Maintenance  |
| 760.1260 | Wall and Ceiling Construction                                       |
| 760.1270 | Exposed Construction of Walls and Ceilings                          |
| 760.1280 | Utility Line Installation in or on Walls and Ceilings               |
| 760.1290 | Attachments to Walls and/or Ceilings                                |
| 760.1300 | Wall and Ceiling Covering Material Installation                     |
| 760.1310 | General - Cleaning Physical Facilities                              |
| 760.1320 | Service Sinks for Cleaning  |
| 760.1330 | General - Lighting  |
| 760.1340 | Protective Light Shielding  |
| 760.1350 | General - Ventilation   |
| 760.1360 | Dressing Rooms and Areas  |
| 760.1370 | Locker Areas  |
| 760.1380 | Poisonous or Toxic Materials Permitted                              |
| 760.1390 | Labeling of Poisonous or Toxic Materials                            |
| 760.1400 | Storage of Poisonous or Toxic Materials                             |
| 760.1410 | Use of Poisonous or Toxic Materials                                 |
| 760.1420 | Storage and Display of Poisonous or Toxic Materials for Retail Sale |
| 760.1430 | First-Aid Supplies and Personal Medications                         |
| 760.1440 | General - Premises  |
| 760.1450 | Living Areas  |
| 760.1460 | Laundry Facilities  |
| 760.1470 | Linens and Work Clothes Storage                                     |
| 760.1480 | Cleaning Equipment Storage  |
| 760.1490 | Animals   |

SUBPART H: NEW FACILITIES AND EXISTING



NOTICE OF ADOPTED AMENDMENT(S)

EQUIPMENT AND FACILITIES

SUBPART I: TEMPORARY RETAIL FOOD STORES

Section

760.1600

760.1610

New Facilities

Existing Equipment and Facilities

SUBPART J: REDUCED OXYGEN PACKAGING

Section

760.1700

760.1710

760.1720

760.1730

760.1740

760.1750

760.1760

General - Temporary Retail Food Stores

Restricted Operations

Wet Storage

Waste Disposal

Handwashing

Floors

Ceilings

SUBPART K: MEAT/POULTRY PROCESSING AND LABELING

Section

760.2000

760.2010

760.2020

760.2030

760.2031

760.2032

760.2040

760.2041

760.2042

760.2050

760.2060

760.2070

760.2080

General

Acceptable Products

Employee Training

Refrigeration Requirements

Labeling - Refrigeration Statements

Labeling - "Use By" Dates

Safety Barriers

Fish and Fishery Products

Safety Barrier Verification

Hazard Analysis Critical Control Point (HACCP) Program

Precautions Against Contamination

Disposition of Expired Product

Dedicated Area/Restricted Access

SUBPART L: RETAIL FOOD SANITARY INSPECTION REPORT

Section

760.3000

760.3100

760.3200

Exceptions

Meat and Poultry Labeling

Smoked Meat, Poultry and Other Food Products

APPENDIX A: IMPLEMENTING THE ILLINOIS FOOD, DRUG AND COSMETIC ACT (ILL. REV. STAT. 1991, CH. 56 1/2, PARS. 501 ET SEQ.) AND THE SANITARY FOOD PREPARATION ACT (ILL. REV. STAT. 1991, CH. 56 1/2, PARS. 66.90 ET SEQ.), AND AUTHORIZED BY SECTION 21 OF THE ILLINOIS FOOD, DRUG AND COSMETIC ACT (ILL. REV. STAT. 1991, CH. 56 1/2, PAR. 521) AND SECTION 11.1 OF THE SANITARY FOOD PREPARATION ACT (ILL. REV. STAT. 1991, CH. 56 1/2, PAR. 77.1).

"Acceptable product list" means a list of foods, acceptable to the regulatory authority, which because of their characteristics will present a barrier to the growth of Clostridium botulinum.

"Barrier" means a safety factor of a physical, biological, or chemical nature which inhibits or minimizes the growth of microorganisms including those which may be infectious or toxigenic.

"Beef pattie mix" (or "Beef Patties" if in pattie form) means chopped beef with or without the addition of beef fat as such and/or seasonings.

"Bulk food" means processed or unprocessed food in aggregate containers from which quantities desired by the consumer are withdrawn.

NOTICE OF ADOPTED AMENDMENT(S)

EQUIPMENT AND FACILITIES

SUBPART I: TEMPORARY RETAIL FOOD STORES

Section

760.1600

760.1610

New Facilities

Existing Equipment and Facilities

SUBPART J: REDUCED OXYGEN PACKAGING

Section

760.1700

760.1710

760.1720

760.1730

760.1740

760.1750

760.1760

General - Temporary Retail Food Stores

Restricted Operations

Wet Storage

Waste Disposal

Handwashing

Floors

Ceilings

SUBPART K: MEAT/POULTRY PROCESSING AND LABELING

Section

760.2000

760.2010

760.2020

760.2030

760.2031

760.2032

760.2040

760.2041

760.2042

760.2050

760.2060

760.2070

760.2080

General

Acceptable Products

Employee Training

Refrigeration Requirements

Labeling - Refrigeration Statements

Labeling - "Use By" Dates

Safety Barriers

Fish and Fishery Products

Safety Barrier Verification

Hazard Analysis Critical Control Point (HACCP) Program

Precautions Against Contamination

Disposition of Expired Product

Dedicated Area/Restricted Access

SUBPART L: RETAIL FOOD SANITARY INSPECTION REPORT

Section

760.3000

760.3100

760.3200

Exceptions

Meat and Poultry Labeling

Smoked Meat, Poultry and Other Food Products

APPENDIX A: IMPLEMENTING THE ILLINOIS FOOD, DRUG AND COSMETIC ACT (ILL. REV. STAT. 1991, CH. 56 1/2, PARS. 501 ET SEQ.) AND THE SANITARY FOOD PREPARATION ACT (ILL. REV. STAT. 1991, CH. 56 1/2, PARS. 66.90 ET SEQ.), AND AUTHORIZED BY SECTION 21 OF THE ILLINOIS FOOD, DRUG AND COSMETIC ACT (ILL. REV. STAT. 1991, CH. 56 1/2, PAR. 521) AND SECTION 11.1 OF THE SANITARY FOOD PREPARATION ACT (ILL. REV. STAT. 1991, CH. 56 1/2, PAR. 77.1).

"Acceptable product list" means a list of foods, acceptable to the regulatory authority, which because of their characteristics will present a barrier to the growth of Clostridium botulinum.

"Barrier" means a safety factor of a physical, biological, or chemical nature which inhibits or minimizes the growth of microorganisms including those which may be infectious or toxigenic.

"Beef pattie mix" (or "Beef Patties" if in pattie form) means chopped beef with or without the addition of beef fat as such and/or seasonings.

"Bulk food" means processed or unprocessed food in aggregate containers from which quantities desired by the consumer are withdrawn.



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"Cold smoke process" is a smoking process used to apply smoke or a smoke flavor at or below ambient temperature to food products not sufficiently darkened in the original smoking operation.

"Controlled atmosphere packaging (CAP)" means an active packaging system which continuously maintains the desired atmosphere within the package throughout the shelf-life of the product. CAP uses an agent to bind or "scavenge" oxygen permeating the package, or a sachet to emit a gas.

"Cook-chill processing" means a process in which a plastic bag is filled with hot cooked food and the air is expelled while the bag is being sealed before being blast or tumble chilled.

"Corrosion-resistant materials" means those materials that maintain acceptable sanitary surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

"Critical control point" means any point or procedure in a specific food processing or packaging operation where loss of control may result in an unacceptable health risk.

"Dedicated equipment or personnel" means equipment or personnel reserved solely for the use of one food processing operation to prevent cross-contamination.

"Easily cleanable" means that surfaces are readily accessible and made of such material and finish and so fabricated that residue can be effectively removed by normal cleaning methods.

"Employee" means the permit holder, individual having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or any other person working in a food store.

"Equipment" means items other than utensils used in the storage, preparation, display, and transportation of food, such as stoves, ovens, hoods, slicers, grinders, mixers, scales, meat blocks, tables, food shelving, reach-in refrigerators and freezers, sinks, ice makers, and similar items used in the operation of a retail food store. This item does not include fork lift trucks or dollies.

"Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

"Food-contact surfaces" means those surfaces of equipment and utensils with which food normally comes into contact, and those surfaces from

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which food may drain, drip, or splash back onto surfaces normally in contact with food.

"Food service establishment" means any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term includes delicatessens that offer prepared food in individual service portions. The term does not include lodging facilities serving only a continental breakfast, (a continental breakfast is one limited to only coffee, tea, and/or juice and commercially prepared sweet baked goods) private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, and supply vehicles.

"Ground beef" means chopped or ground beef with or without seasoning and without the addition of beef fat and shall not contain more than 30 percent fat.

"Hamburger" means chopped beef with or without the addition of beef fat and/or seasoning and shall not contain more than 30 percent fat.

"Hazard Analysis Critical Control Point (HACCP) Program" means a comprehensive food safety control plan which includes a step-by-step description of the food processing, packaging and storage procedures including identification of critical control points (CCPs); the food contact surface cleaning and sanitizing procedures; lot identification procedures and training procedures.

"Hermetically sealed container" means a container which is designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.

"Law" includes applicable Federal, State, and local statutes, ordinances, and regulations.

"Lot" means a unique run of processed or packaged product with a specifically designated date and processing operation.

"Modified Atmosphere Packaging (MAP)" means a one-time gas-flushing and sealing process. The gas atmosphere within the package after sealing is then allowed to passively change due to factors of container permeability and food product respiration.

"Official Methods of Analysis" means the Official Methods of Analysis of the Association of Official Analytical Chemists, 15th Edition, or Standard Methods for Examination of Dairy Products, 15th Edition, as incorporated in Section 760.15 (d) and (e).



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"Packaged" means bottled, canned, cartoned, bagged, or securely wrapped.

"Partially defatted beef fatty tissue" means a beef by-product derived from the low temperature rendering (not exceeding 120 degrees Fahrenheit) of fresh beef tissue. Such product shall have a pinkish color and a fresh odor and appearance.

"person" includes any individual, partnership, corporation, association, or other legal entity.

"person in charge" means the individual present in a retail food store who is the supervisor of the retail food store at the time of inspection.

"Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, and which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods that have a pH level of 4.6 or below or a water activity (aw) value of 0.85 or less under standard conditions; food products in hermetically sealed containers processed to prevent spoilage.

"Preservative" means any curing agent or curing accelerator (specific chemical agent which extends the shelf life of the product which cures, accelerates color fixing or preserves color in meat or poultry products including but not limited to sodium or potassium nitrate, sodium or potassium nitrite, ascorbic acid, erythorbic acid, glucono delta lactone, sodium ascorbate, sodium erythorbate, citric acid, sodium citrate or sodium benzoate.

"Processing" means to manufacture, compound, intermix or prepare food products for sale or for customer service.

"Regulatory authority" means the State and/or local enforcement authority or authorities having responsibility for enforcing this Part.

"Retail food store" means any establishment or section of an establishment where food and food products are offered to the consumer and intended for, though not limited to, off-premises consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include establishments which handle only prepackaged spirits; roadside markets that offer only fresh fruits and fresh vegetables for sale; food service establishments; or food and beverage vending machines.

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"Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food.

"Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level (when those disease organisms which may be present are destroyed so as to prevent transfer) on cleaned food-contact surfaces of utensils and equipment.

"Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

"Showering" means a potable water spray with or without liquid smoke in the smoke house which, depending on when the water spray is applied, maintains humidity, flavors, decreases cooking time, promotes rapid cooling or reduces casing shrinkage.

"Single-service articles" means items used by the retailer or consumer such as cups, containers, lids, and packaging materials, including bags and similar articles, intended for contact with food, and designed for one-time use. The term does not include "single use" articles such as number 10 cans, aluminum pie pans, bread wrappers and similar articles into which food has been packaged by the manufacturer.

"Smoke generator" means a piece of equipment attached or integral to a smoke house which provides smoke to the smoke house, usually by slowly augering sawdust onto a heating element with the resulting smoke being drawn into the smokehouse.

"Smoke house" means a piece of equipment or room sized enclosure used to conduct the smoking process with a smoke source, adequate ventilation, heat and humidity source if necessary, approved plumbing and waste lines if necessary, support structures for the food products to be smoked and a method to determine internal product temperature.

"Smoking" means the process of subjecting meat cuts and other foods to an environment of heat and smoke generated from hardwood, hardwood sawdust, corn cobs or natural liquid smoke that has been transformed into a gaseous state by application of direct heat.

"Temporary Retail Food Store" means a retail store that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration. The term does not include establishments that handle only fresh fruits and fresh vegetables, or temporary food service establishments.



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"Transportation" (transported) means movement of food within the retail food store or delivery of food from that retail food store to another place while under the control of the person in charge.

"Utensil" means any food-contact implement used in the storage, preparation, transportation, or dispensing of food.

"Warewashing" means the cleaning and sanitizing of food-contact surfaces of equipment and utensils.

(Source: Amended at 16 Ill. Reg. 16050, effective October 1, 1992)

## SUBPART B: FOOD

## Section 760.100 General - Food Supplies

Food shall be in sound condition and safe for human consumption. Food shall be obtained from sources that comply with the applicable laws relating to food safety. Food prepared in a home shall not be used or offered for sale. Hermetically sealed food which has been processed in a place other than a wholesale food processing establishment is prohibited except where it is in compliance with Subpart J, Reduced Oxygen Packaging, of this Part.

(Source: Amended at 16 Ill. Reg. 16050, effective October 1, 1992)  
(Source: 760.110 Special Requirements for Food Supplies)

- a) Fluid milk and fluid milk products used or offered for sale shall comply with the Grade 'A' standards as established by law. Dry milk and milk products used or offered for sale shall be made from pasteurized milk and milk products.
- b) Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be received and/or repacked in non-returnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the State certification number issued according to law. Shucked shellfish shall be kept in the container in which they were received until used or sold.
- c) Each original container of unshucked shellfish (oysters, clams, or mussels) shall be identified by an attached tag, to be retained for a period of 90 days, that states the name and address of the original shellfish processor, the kind and quantity of shellfish, and the certification number issued by the State or foreign shellfish control agency, where applicable. Each shucked shellfish invoice shall be retained for a period of 90 days and be made available for inspection by the health department.
- d) Only clean shell Grade A eggs meeting applicable grade standards or pasteurized liquid, frozen or dry eggs, or pasteurized dry egg products shall be used or offered for sale.
- e) Only ice which has been manufactured from potable water and handled in a sanitary manner shall be used or offered for sale. Ice offered for

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sale shall be packaged.

- f) All meat of mammalian and avian origin shall be inspected and approved as human food by the Illinois Department of Agriculture or the United States Department of Agriculture and bear the stamp or mark as required by the aforementioned departments.

- g) Each retail food establishment location shall obtain written permission from the appropriate regulatory authority responsible for retail food protection in that jurisdiction before packaging foods in a reduced oxygen atmosphere. Reduced oxygen packaging shall consist of cook-chill processing, vacuum-packaging, modified atmosphere packaging (MAP) or controlled atmosphere packaging (CAP). The request from the retail establishment and approval from the regulator shall be product specific and shall be issued according to the requirements listed in Subpart K of this Part.

- h) Every food pre-packaged in advance of retail sale must bear the following information in English on its label (Bulk foods require the same information to be provided on placards, bin labels or counter cards, excluding net contents.):

- 1) The common and/or usual name of the product;
- 2) The name, address and zip code of the manufacturer, processor, packer, preparer or distributor;
- 3) The net contents of the package;
- 4) A list of ingredients in the order of their predominance by weight with ingredients shown by their common or usual name; and
- 5) A list of any artificial color, artificial flavor or preservative used.

- i) Foods packaged or repackaged by charitable or not-for-profit organizations for distribution to people in need shall bear the common and/or usual name of the product and the name of the distributing organization. A list of ingredients for any multi-ingredient product shall be posted or made available upon request. Prepared, ready-to-eat foods donated by food service establishments to charitable or not-for-profit organizations are exempt from the ingredient listing requirements of this subsection.

- j) The processing and labeling of ground meats/poultry and other meat/poultry products shall be done in compliance with Subpart K of this Part.

- k) Pasteurized soft serve mix and frozen desserts shall comply with the Standards listed below.

| Product                    | Bacterial standard<br>plate count not<br>more than | Coliform<br>determination<br>not more than | Storage<br>temperature |
|----------------------------|--|--|------------------------|
| Mix                        | 50,000/ml*   | 10/ml                                      | 45 degrees F           |
| Frozen<br>Dessert<br>Plain | 50,000/ml*   | 10/ml                                      | Frozen                 |



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Frozen Dessert Flavored 30,000/ml\* 20/ml Frozen  
(Source: Amended at 16 Ill. Reg. 16050, effective October 1, 1992)

The products shall be tested in accordance with tests and examinations contained in the 15th edition of Official Methods of Analysis of the Association of Official Analytical Chemists or in the 15th edition of Standard Methods for the Examination of Dairy Products.

\*Except frozen yogurt with live culture added.

(Source: Amended at 16 Ill. Reg. 16050, effective October 1, 1992)

SUBPART F: SANITARY FACILITIES AND CONTROLS

Section 760.900 General - Water Supply

Sufficient potable water for the needs of the retail food store shall be provided from a source constructed, maintained, and operated according to the Drinking Water Code (77 Ill. Adm. Code 900).

(Source: Amended at 16 Ill. Reg. 16050, effective October 1, 1992)

SUBPART J: REDUCED OXYGEN PACKAGING

Section 760.2000 General

Reduced oxygen packaging of food products in retail food establishments shall comply with the requirements of this Part.

(Source: Added at 16 Ill. Reg. 16050, effective October 1, 1992)

Section 760.2010 Acceptable Products

A list of products approved by the regulatory authority for reduced oxygen packaging shall be posted in the processing area along with a warning against packaging unapproved foods.

(Source: Added at 16 Ill. Reg. 16050, effective October 1, 1992)

Section 760.2020 Employee Training

Retail employees assigned to process foods in reduced oxygen packages must be familiar with these rules and the potential hazards associated with reduced

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oxygen packaged foods. A description of the training and course content provided to the retail employees must be available for review by the regulatory authority.

(Source: Added at 16 Ill. Reg. 16050, effective October 1, 1992)

Section 760.2030 Refrigeration Requirements

All retail processed foods in reduced oxygen packages must be refrigerated at 45 degrees Fahrenheit or below or kept frozen at 0 degrees Fahrenheit or below.

(Source: Added at 16 Ill. Reg. 16050, effective October 1, 1992)

Section 760.2031 Labeling - Refrigeration Statements

All retail packaged foods in a reduced oxygen atmosphere shall bear a statement "Important - Must Be Kept Refrigerated" or "Important - Must Be Kept Frozen" in addition to other required information. This statement must appear on the principal display panel in bold type on a contrasting background using this format.

Important Must Be Kept Refrigerated Important Must Be Kept Frozen  
(Source: Added at 16 Ill. Reg. 16050, effective October 1, 1992)

Section 760.2032 Labeling - "Use By" Dates

Each package of refrigerated retail processed food in a reduced oxygen atmosphere shall bear a "use by" date. This date cannot exceed 14 days from retail processing. Also, the date assigned by the retailer shall not go beyond the manufacturer's recommended "pull date" for the food. The "use by" date must be listed on the principal display panel in bold type on a contrasting background. Foods that remain frozen before, during, and after processing are exempt from this requirement.

(Source: Added at 16 Ill. Reg. 16050, effective October 1, 1992)

Section 760.2040 Safety Barriers

Refrigeration at 45 degrees Fahrenheit is required as the primary safety barrier. Only refrigerated foods that possess one or more of the following secondary safety barriers can be packaged in a reduced oxygen atmosphere at retail:

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- a) Foods with a water activity (a(w)) below .93, or  
 b) Foods with an acidity (pH) of less than 4.6, or  
 c) Foods with high levels of non-pathogenic competing organisms that prohibit the growth of pathogenic bacteria, or  
 d) Meat or poultry products processed under U.S.D.A. or Illinois Department of Agriculture supervision with a nitrite level of at least 120 ppm and a minimum brine concentration of 3.5%, or  
 e) Frozen foods provided the product is maintained in a frozen state before, during and after packaging.

(Source: Added at 16 Ill. Reg. 16050, effective October 1, 1992)

**Section 760.2041 Fish and Fishery Products**

Raw or processed fish and fishery products may not be packaged at retail in a reduced oxygen atmosphere unless held frozen before, during and after packaging.

(Source: Added at 16 Ill. Reg. 16050, effective October 1, 1992)

**Section 760.2042 Safety Barrier Verification**

The safety barrier requirement must be verified in writing for all foods processed in a reduced oxygen atmosphere at retail. This can be accomplished via written certification from the product manufacturer or through independent laboratory analysis of the incoming product using the official method of analysis.

- a) Any changes in product formulation or processing procedures that impacts on the safety barrier requires recertification of the product.  
 b) All barrier certifications must be updated every twelve months or immediately in the event of a change in product ingredients, process or barriers.  
 c) A record of all safety barrier verifications must be maintained and available at the processing site for regulatory review to determine compliance with the criteria specified in Section 760.2040.  
 d) Meat and poultry products, cured under U.S.D.A. inspection or a state program equal to U.S.D.A., with a nitrite level of at least 120 ppm and a brine concentration of at least 3.5% are exempt from the safety barrier verification requirements.

(Source: Added at 16 Ill. Reg. 16050, effective October 1, 1992)

**Section 760.2050 Hazard Analysis Critical Control Point (HACCP) Program**

All retail food establishments processing food in a reduced oxygen atmosphere must develop a HACCP Program and maintain a copy of this program at the

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processing site for review by the appropriate regulatory authority. This HACCP Program shall include:

- a) A complete description of the processing, packaging and storage procedure. The program must also identify the critical control points in the procedure with a description of how these will be monitored and controlled and provide barrier certifications for all foods;  
 b) A list of the equipment and food-contact packaging supplies used;  
 c) A description of the lot identification system;  
 d) A description of the employee training program;  
 e) If gases are used, identification of the gases as being of food grade quality and a list by proportion of gas(es) used in the packaging;  
 f) A description of the procedure along with the frequency for cleaning and sanitizing the involved food-contact surfaces in the processing area; and  
 g) A description of action to be taken if there is a deviation from the process approved by the regulatory agency.

(Source: Added at 16 Ill. Reg. 16050, effective October 1, 1992)

**Section 760.2060 Precautions Against Contamination**

Only unopened packages of commercially manufactured food products can be used to process in a reduced oxygen atmosphere. If it is necessary to stop processing for a period in excess of one-half hour, the remainder of the product must be diverted for another use in the retail operation.

(Source: Added at 16 Ill. Reg. 16050, effective October 1, 1992)

**Section 760.2070 Disposition of Expired Product**

Retail processed reduced oxygen foods that exceed the "use by" date or the manufacturer's "pull date" cannot be sold or donated in any form and must be destroyed in a proper manner.

(Source: Added at 16 Ill. Reg. 16050, effective October 1, 1992)

**Section 760.2080 Dedicated Area/Restricted Access**

All aspects of reduced oxygen packaging shall be conducted in an area specifically designated for this purpose.

- a) There shall be a physical separation to prevent cross-contamination between raw and cooked products.  
 b) Access to the processing area shall be restricted to responsible trained personnel who are familiar with the potential hazards of this operation.



(Source: Added at 16 Ill. Reg. 16050, effective October 1, 1992)

SUBPART K: MEAT/POULTRY PROCESSING AND LABELING

Section 760.3000 Exceptions

Meat products which are prepared, packaged and labeled in establishments operating under the inspection of the United States Department of Agriculture, pursuant to the authority of the Federal Wholesome Meat Act and regulations promulgated thereunder and meat products which are prepared and labeled in establishments operating under the inspection of the Illinois Department of Agriculture, pursuant to the authority of the Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 301 et seq.) and regulations promulgated thereunder, shall not be subject to the requirements of Subpart K.

(Source: Added at 16 Ill. Reg. 16050, effective October 1, 1992)

Section 760.3100 Meat and Poultry Labeling

Every package of meat or poultry or meat or poultry product shall comply with all labeling requirements of Section 760.110 (h) of this Part.

- a) All ground beef is to be labeled "Ground Beef", "Chopped Beef" or "Hamburger." When beef cheek meat (trimmed beef cheeks) is used in the preparation of chopped beef, ground beef, or hamburger, the amount of such cheek meat shall be limited to 25 percent and its presence shall be declared on the label, either contiguous to the name of the product or in the ingredient statement.
- b) It is not necessary to indicate the lean-to-fat content. However, if it is shown, the label must indicate "Not Less than % Lean," or "Not More Than % Fat." An example would be:

GROUND BEEF

Not Less Than 75% Lean

or

Not More Than 25% Fat
- c) An added descriptive name may be used where the ground beef is prepared from a specific beef cut such as the chuck, round, sirloin, etc. An example would be:

GROUND BEEF CHUCK

or

GROUND BEEF CHUCK

Not Less Than 75% Lean
- d) The label of a prepackaged product which conforms to the definition of "Beef Pattie Mix" as prescribed in Section 760.20, shall declare, in

(Source: Added at 16 Ill. Reg. 16050, effective October 1, 1992)

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- b) It is not necessary to indicate the lean-to-fat content. However, if it is shown, the label must indicate "Not Less than % Lean," or "Not More Than % Fat." An example would be:

GROUND BEEF

Not Less Than 75% Lean

or

Not More Than 25% Fat
- c) An added descriptive name may be used where the ground beef is prepared from a specific beef cut such as the chuck, round, sirloin, etc. An example would be:

GROUND BEEF CHUCK

or

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Not Less Than 75% Lean
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October 1, 1992

## Section 760.3200 Smoked Meat, Poultry and Other Food Products

- a) Any smoking operation shall comply with all other applicable requirements of this Part.
- b) Approved materials for use with a smoke generator include hardwood, hardwood sawdust, corn cobs, and natural liquid smoke. Products approved by U.S.D.A., FDA or the Illinois Department of Agriculture meet these safety requirements.
- c) The internal temperature of any smoked product shall comply with the requirements of Section 760.190 (Cooking Potentially Hazardous Foods).
- 1) Automatic recording thermometers with internal product temperature probes or a metal-stemmed thermometer shall be available and used whenever product is smoked.
  - 2) Product to be smoked shall be uniformly sized to ensure that each piece reaches the required end cooking temperature.
  - 3) When a cold smoking process is used for cosmetic purposes, that is, to add smoke color or flavor to a pre-cooked product, the cold smoke process must be of such duration that the product temperature(s) remains at or below 45 degrees Fahrenheit.
- d) A Hazard Analysis Critical Control Point program shall be available in the processing area to describe the smoking process. It shall consist of written procedures describing the preparation, smoking, handling, packaging and holding of the smoked products. It shall include, at a minimum:
- 1) Defrosting procedures, if used;
  - 2) Time/Temperature requirements for cooking and smoking;
  - 3) Cooling procedures;
  - 4) Identification of the critical control points in the procedure with a description of how these will be monitored and controlled;
  - 5) Designation of a dedicated work area where raw product is handled and a separate work area for cooked or smoked product to prevent cross-contamination;
  - 6) Description of the cleaning and sanitizing procedures, including frequency; and
  - 7) Samples of labels with all ingredients contained in the product.

(Source: Added at 16 Ill. Reg. 16050, effective October 1, 1992)

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## NOTICE OF ADOPTED REPEALER

- 1) The Heading of the Part:  
Uniform Retail Meat Identity
- 2) Code Citation:  
77 Ill. Adm. Code 770
- 3) Section Numbers:  
770.10 Repeal  
770.20 Repeal  
770.30 Repeal
- 4) Statutory Authority:  
The Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 501 et seq.)
- 5) Effective Date of Repeal: October 1, 1992
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain any Incorporations by Reference? No
- 8) Date Filed in Agency's Principal Office: September 25, 1992
- 9) Date Notice of Proposed Repealer was Published in the Illinois Register:  
16 Ill. Reg. 5885 - April 10, 1992
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking? No
- 11) Difference Between Proposal and Final Version:  
There were no changes made between the proposed and final version.
- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?



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- 1) The Heading of the Part:  
Narrative and Planning Policies

- 2) Code Citation:  
77 Ill. Adm. Code 1100

- 3) Section Numbers:  
Adopted Action:

1100.70 Amendment  
1100.220 Amendment  
1100.330 Amendment  
1100.340 Amendment  
1100.350 Amendment  
1100.410 Amendment  
1100.420 Amendment  
1100.430 New Section  
1100.510 Amendment  
1100.520 Amendment  
1100.530 Amendment  
1100.540 Amendment  
1100.550 Amendment  
1100.560 Amendment  
1100.570 Amendment  
1100.580 Amendment  
1100.590 Amendment  
1100.610 Amendment  
1100.630 Amendment  
1100.660 Amendment  
1100.670 Amendment  
1100.720 New Section  
1100.730 New Section

- 4) Statutory Authority:

Implementing and authorized by the Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1151 et seq.)

- 5) Effective Date of Amendments: October 2, 1992

- 6) Does this Rulemaking Contain an Automatic Repeal Date? No

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No changes were suggested by the Joint Committee on Administrative Rules.

- 13) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

- 14) Are there any other Amendments Pending on this Part? No

- 15) Summary and Purpose of Amendments:

The Department is repealing this Part as a separate set of rules and incorporating the substance of this Part into the Food Service Sanitation Code (77 Ill. Adm. Code 750) and the Retail Food Store Sanitation Code (77 Ill. Adm. Code 760). The Food Service Sanitation and Retail Food Store Sanitation Codes comprise the rules customarily used as the legal base for inspection and regulation of retail food establishments by state and local health departments as required by the Local Health Departments Program Standards Code (77 Ill. Adm. Code 615). Incorporation of this Part into the above-mentioned rules will allow local health departments to enforce these regulations during their routine inspection oversight.

- 16) Information and Questions Regarding this Adopted rulemaking shall be directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.



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- 7) Does this Rulemaking Contain any Incorporations by Reference? No
- 8) Date Filed in Agency's Principal Office: October 2, 1992
- 9) Date Notice of Proposed Amendments was Published in the Illinois Register:  
15 Ill. Reg. 15255 - October 25, 1991
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

The heading of Section 1100.730 was changed from "Renal Transplantation" to "Kidney Transplantation".

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

- 1) In Section 1100.220, "Use Rate" was modified to state: "(Inpatient Days / Population in Thousands = Use Rate)."

- 2) Sections 1100.560(f), 1100.570(e), 1100.580(d), 1100.660(d)(2), 1100.670(e), and 1100.720(b) were modified to reference "77 Ill. Adm. Code 1110, Subpart I".

- 3) Section 1100.560(a)(2) has been modified to state in part "...health services except for Areas VI and VII which are further delineated in the Inventory of Health Care Facilities, which is compiled by the Department."

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

All changes agreed upon by the Department and the Joint Committee on Administrative Rules have been made.

- 13) Will the Amendments Replace an Emergency Rule Currently in Effect? No

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- 14) Are there any other Amendments Pending on this Part? Yes

15) Summary and Purpose of Amendments:

These adopted amendments revise the description of the Board's data appendices, which include inventories of health care facilities and services. Several general definitions are revised or added for terms including "bed capacity or existing bed capacity", "category of service", "use rate maximum", and "use rate minimum". A section of the rules formerly titled "Local Planning Studies" has been changed to "Public Testimony" and revised to specify that the Board will consider public testimony when acting upon a proposed application. The rulemaking addresses the discontinuation of a category of service or of a health care facility, requires the Board to coordinate its determination of needed services and facilities with other State agencies, and provides a new policy with regard to formula type and planning area development.

A section concerning acute mental illness categories of service has been revised to separate the State facility component from the private sector and to include a bed capacity provision for State facilities. Requirements relating to the neonatal intensive care category of service, formerly perinatal/high risk, have been modified to eliminate references to federal areawide health planning agencies and to eliminate the restriction of new beds to existing designated perinatal centers.

With regard to the open heart surgery category of service, the amendments change a requirement for 100 pediatric heart operations to 75 pediatric open heart operations and revises a provision relating to the need for an open heart category of service. In the section entitled "Chronic Renal Dialysis", formerly "End Stage Renal Disease" the need determination component has been revised to expand the number of patient shifts that can be performed daily. The amendments revise the formula regarding the age specific calculation of bed need use rates for general long-term care beds and eliminates all bed need formula for specialized long-term care categories of service.

- 16) Information and Questions Regarding this Adopted Rulemaking shall be directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Amendments begins on the next page:



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TITLE 77: PUBLIC HEALTH  
CHAPTER II: DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES  
PLANNING BOARD

SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1100

NARRATIVE AND PLANNING POLICIES

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1100.20 Authority  
1100.30 Purpose  
1100.40 Health Maintenance Organizations (Repealed)  
1100.50 Subchapter Organization  
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1100.70 Data Appendices  
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SUBPART D: NEED FORMULAS/UTILIZATION TARGETS

Section

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1100.520 Medical-Surgical/Pediatric Categories of Service Beds  
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1100.630 Chronic Renal Dialysis Category of Service End-Stage Renal-Disease  
1100.640 Non-Hospital Based Ambulatory Surgery  
1100.650 Computer Systems (Repealed)  
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1100.680 Magnetic Resonance  
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1100.710 Extracorporeal Shock Wave Lithotripsy  
1100.720 Selected Organ Transplantation  
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APPENDIX A Applicable Codes and Standards Utilized in 77 Ill. Adm.  
Code: Chapter II, Subchapter a

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1151 et seq.).

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 15476; amended at 9 Ill. Reg. 3344, effective March 6, 1985; amended at 11 Ill. Reg. 7311, effective April 1, 1987; amended at 12 Ill. Reg. 16079, effective September 21, 1988; amended at 13 Ill. Reg. 16055, effective September 29, 1989; amended at 16 Ill. Reg. 16074, effective October 2, 1992.

SUBPART A: GENERAL NARRATIVE

Section 1100.70 Data Appendices

The State Agency publishes data appendices annually which include inventories

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of health care facilities and services. Inventories contain facility capacity, need estimates, utilization and socio-economic information. Throughout the year, inventories to the subchapter (see 77 Ill. Adm. Code 1110) are up-dated on the 15th day of each month (excluding holidays and weekends). Examples of changes included in the monthly update are: permits issued by the State Board; transactions such as a change of facility name or change in bed total; and declaratory rulings made by the State Board.

a) The State Agency develops data appendices which include inventories; inventories contain facility capacity, need estimates, utilization and socio-economic information; inventories to the subchapter (see 77 Ill. Adm. Code 1110) are up-dated on the 15th day of each month (excluding holidays and weekends); An inventory is updated for such changes as:

- 1) when permits are issued by the State Board;
- 2) when transactions such as a change of facility name or changes in bed totals of less than 10 beds not reviewed by the Board in accord with Section 5 of the Act result in changes to the inventory totals;
- 3) when the Bureau of the Budget issues new population estimates and verified facility utilization becomes available for an annual basis;
- b) it is emphasized that the inventory figures maintained by the Agency are always open for redetermination and verification upon request.

(Source: Amended at 16 Ill. Reg. 16074, effective October 2, 1992)

SUBPART B: GENERAL DEFINITIONS

Section 1100.220 Definitions

"Act" means the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1989 1991, ch. 111 1/2, pars. 1151 et seq.).

"Admissions" means the number of patients accepted for inpatient service during a 12-month period; the newborn are not included.

"Applicable Codes and/or Current Recognized Standards" means the current official codes of governmental bodies applicable under law or regulation to Illinois health facilities and/or standards of health facility design, construction and equipment promulgated on a regular or permanent basis by an authority, public or private. A listing of the applicable codes utilized in the application review process may be found in Appendix A of this Part.

"Area-wide Health Planning Organization" means the health systems agency designated by the Secretary, Department of Health and Human Services (HHS) pursuant to federal Public Law 93-641, or any successor

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agency: (Section 3 of Act)

"Average Daily Census (ADC)" means over a 12-month period the average number of inpatients receiving service on any given day.

"Average Length of Stay (ALOS)" means over a 12-month period the average duration of inpatient stay expressed in days as determined by dividing total inpatient days by total admissions.

"Bed Capacity or Existing Bed Capacity" means the number of beds (calculated capacity) recognized for planning purposes at a facility as determined by the Illinois Department of Public Health. The method for determining a facility's bed capacity by category of service is reflected in the Bed Need Determination section for that category of service.

The bed capacity calculated capacity which is utilized for each category of service identified in the Bed Need Determination Section reflects one of the following is based on the following:

Measured or Surveyed Bed Capacity -- the number of beds by category of service which could be operated based on the amount of clear and usable floor area allowing:

- 100 square feet per bed in single-occupancy rooms.
- 80 square feet per bed in multi-occupancy rooms.
- 40 square feet per bassinets in pediatric nurseries.

Functional Bed Capacity -- the number of beds by category of service the facility considers appropriate to place in patient rooms taking into account patient care requirements and the ability to perform the regular functions of patient care required for patients for the particular category of service involved.

Licensed Bed Capacity -- the number of beds by category of service recognized and licensed by the Illinois Department of Public Health. (Currently applies only to Long-Term Care Facilities.)

"Capital Expenditure" means an expenditure made by or on behalf of a health care facility (as such a facility is defined in this Act) and which under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part, and which exceeds the capital expenditure minimum. The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall be included in determining if such expenditure exceeds the capital expenditure minimum. Donations of equipment or facilities to a health care facility which if acquired directly by such facility



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"would-be-subject-to-review-shall-be-considered--capital--expenditures; and--a--transfer--of--equipment--or--facilities--for--less--than--fair--market value--shall-be-considered-a-capital-expenditure-if-a-transfer--of--the equipment--or--facilities--at--fair--market--value--would-be-subject-to review." (Section-3-of-Act)

"Capital-Expenditure-Minimum" means that dollar amount established by the State Board in accordance with the provisions of 2-111-Adm-Code 1925.280(a)(15)(A). Separate dollar amounts are established for major medical equipment and all other expenditures, both of which are annually adjusted to reflect the increase in construction costs due to inflation.

"Category of Service" means a grouping by generic class of various types or levels of support functions, equipment, care or treatment provided to patient/residents. Examples include but are not limited to medical-surgical, pediatrics, therapeutic radiology, etc. A category of service may include subcategories or levels of care which identify a particular degree or type of care within the category of service.

"Chairman" means the duly-elected-presiding-officer--of--the--State Board.

"Construction--or--Modification" means--the-establishment--erection; building;--alteration;--reconstruction;--modernization;--improvement; extension;--discontinuation;--change-of-ownership--of--or--by--a-health-care facility;--or--the-purchase--or--acquisition--by--or--through--a-health-care facility--of--equipment--for--diagnostic--or--therapeutic--purposes--or--for facility--administration--or--operation--or--any-capital-expenditure--made by--or--on-behalf--of--a-health-care-facility--which--exceeds--the--capital expenditure--minimum; (Section-3--of--Act) Site-acquisition is not included in the cost-of-construction-or-modification.

"Construction-Contracts" means the enforceable contracts covering the principal work, including the general construction contracts.

"Discontinuation" means--to--cease--operation--of--an--entire--health-care facility--or--to--cease--operation--of--a--category--of--service--or--to--reduce--a service-bed-total--(calculated-capacity)--by--10-beds--or--more--over--a--two year--period;--it--should--be--noted--however;--that--daily--or--seasonal fluctuations--in--bed-complement--do--not--require--an--application--for permit--for--"discontinuation".

"Establish--or--Establishment" means--the--construction--of--a--health-care facility--or--the--replacement--of--an--existing--facility--on--another--site; (Section-3-of-Act)

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"Executive Secretary or Secretary" means the chief executive officer of the State Board, responsible to the Chairman and, through the Chairman, responsible to the State Board for the execution of its policies and procedures.

"Health Service Area (HSA)" means the following those--physical--areas as--defined--by--the--Department--of--Health--and--Human--Services--pursuant--to the--National--Health--Planning--and--Resources--Development--Act--(42--U.S.C. 386K)--which--were--designated--as--of--December-31-1986;--those geographic areas consist of:

|         |                   |                   |                   |
|---------|-------------------|-------------------|-------------------|
| HSA I   | Boone County      | DeKalb County     | Stephenson County |
|         | Carroll County    | Ogle County       | Winnebago County  |
|         | Lee County        | Jo Daviess County | Whiteside County  |
| HSA II  | LaSalle County    | Peoria County     | Warren County     |
|         | Putnam County     | Stark County      | Henderson County  |
|         | Marshall County   | Bureau County     | McDonough County  |
|         | Woodford County   | Knox County       |                   |
|         | Tazewell County   | Fulton County     |                   |
| HSA III | Hancock County    | Jersey County     | Menard County     |
|         | Adams County      | Greene County     | Logan County      |
|         | Pike County       | Scott County      | Sangamon County   |
|         | Brown County      | Morgan County     | Macoupin County   |
|         | Schuyler County   | Cass County       | Christian County  |
|         | Calhoun County    | Mason County      | Montgomery County |
| HSA IV  | Champaign County  | Coles County      | Piatt County      |
|         | Vermillion County | Cumberland County | McLean County     |
|         | Ford County       | Douglas County    | Livingston County |
|         | Iroquois County   | Moultrie County   | DeWitt County     |
|         | Edgar County      | Shelby County     |                   |
|         | Clark County      | Macon County      |                   |
| HSA V   | Bond County       | Edwards County    | Williamson County |
|         | Payette County    | Wabash County     | Saline County     |
|         | Effingham County  | Washington County | Gallatin County   |
|         | Jasper County     | Jefferson County  | Union County      |
|         | Crawford County   | Perry County      | Johnson County    |
|         | Clay County       | Randolph County   | Pope County       |
|         | Richland County   | Jackson County    | Hardin County     |
|         | Lawrence County   | Franklin County   | Alexander County  |



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|                      |                 |                |
|----------------------|-----------------|----------------|
| Marion County        | Hamilton County | Pulaski County |
| Wayne County         | White County    | Massac County  |
| HSA VI               |                 |                |
| City of Chicago      |                 |                |
| HSA VII              |                 |                |
| Suburban Cook County | DuPage County   |                |
| HSA VIII             |                 |                |
| Kane County          | Lake County     | McHenry County |
| HSA IX               |                 |                |
| Will County          | Grundy County   |                |
| Kendall County       | Kankakee County |                |
| HSA X                |                 |                |
| Rock Island County   | Mercer County   | Henry County   |
| HSA XI               |                 |                |
| Madison County       | Clinton County  |                |
| St. Clair County     | Monroe County   |                |

"Hospital" means a facility, institution, place or building licensed pursuant to or operated in accordance with the Hospital Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 142 et seq.) which is utilized for the prevention, diagnosis and treatment of physical and mental ills. For purposes of this subchapter, three basic types of hospitals are recognized:

General Hospital -- a any facility licensed pursuant to or operated in accordance with the Hospital Licensing Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 142 et seq.) and which offers an integrated variety of categories of service and which offers and performs scheduled surgical procedures on an inpatient basis.  
Special or Specialized Hospital -- a any facility licensed pursuant to or operated in accordance with the Hospital Licensing Act and which offers, primarily, a special or particular category of service.  
Hospitals Facilities operated or maintained by the State of Illinois Department of Mental Health and Developmental Disabilities which is operated privately would be subject to the Hospital Licensing Act.

"Illinois Department of Public Health" or "Agency" means the Department of Public Health of the State of Illinois. (Section 3 of Act)

"Long-Term-Care-Facility" means any institution required to be

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licensed pursuant to the Nursing Home-Care-Reform-Act-of-1979 (Section 3 of Act) or any facility or portion thereof maintained by the State or any entity of the State which if operated privately would be subject to licensure under the Nursing Home-Care-Reform-Act-of-1979.

"Major-Medical-Equipment" means medical equipment which is used for the provision of medical and other health services and which costs in excess of the capital expenditure minimum, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVII of the Social Security Act (42 U.S.C. 1395x) to meet the requirements of paragraphs (1) and (11) of Section 186(f) of such Act in determining whether medical equipment has a value in excess of the capital expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included. (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1153 et seq.)

"Modernization" means construction or modification (other than that which substantially changes the number of beds as defined in Substantially Changes the Bed Count of a Health-Care-Facility, or which substantially changes the scope or functional operation as defined in Substantially Changes the Scope or Changes the Functional Operation of the Facility of in an existing health care facility by means of building, alteration, reconstruction, remodeling, replacement, the erection of new buildings, or the acquisition, alteration or replacement of equipment. Modification does include a substantial change in either the bed count or scope of the facility.

"Multi-Institutional-System" means arrangements which are made by contract, agreement, management, licensure, ownership, or other means between two or more health care facilities for the purpose of carrying out an enterprise which will coordinate or consolidate services, share support services, or develop the capacity to provide various levels or categories of health care services on a geographically integrated basis. Such systems may also involve non-institutional health services and facilities.

"Occupancy Rate" means a measure of inpatient health facility use, determined by dividing average daily census by the inpatient-bed-total (calculated capacity). It measures the average percentage of a facility's beds occupied and may be institution-wide or specific for one department or service.

"Occupancy Target or Bested-Occupancy-Rate" means a minimum utilization level established by the Agency for a facility or service



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reflecting adequate access as well as operational efficiency.

"Patient Days" means the total number of days of service provided to inpatients of a facility over a 12-month period.

"Population or Population Projections" means the latest estimates available from the Illinois Bureau of the Budget for the current and/or projected number of Illinois residents. Projected population is a 5-year projection of current population.

"Planning Area" means a defined geographic area within the State established by the State Board as a basis for the collection, organization, and analysis of information to determine health care resources and needs and to serve as a basis for planning. Planning areas by category of service are delineated in the Appendices to 77 Ill. Adm. Code 1110.

"Site" means the location of an existing or proposed facility. a provider or a proposed project as an existing facility site is determined by street address. In a proposed facility the or legal property description or the street address can be used to identify the site.

"State Board" means the Health Facilities Planning Board established by the Act. (Section 3 of Act)

"Subcategory of Service or Level of Care" means a specific degree of type of, or approach to, patient/resident care within a defined category of service. Specific subcategories of service or levels of care are listed under each category of service.

"Substantially Changes the Bed Count of a Health-Care Facility" means construction or modification, including acquisition of equipment, which changes the bed capacity of a health-care facility by increasing or decreasing the total number of beds or by distributing beds among various categories of service or by relocating beds from one physical facility or site to another by more than 10 beds or more than 10% of total bed capacity as defined by the State Board, whichever is less, over a 2-year period. (Section 3 of Act) The two-year period begins on the date when additional beds are added to the facility inventory become operational or when beds were discontinued. When a permit is granted which will result in a change in bed capacity, the applicant facility may not add or discontinue any more beds in those services affected by the permit for 2 years from the date that such beds become operational (or are discontinued) without obtaining an additional permit from the State Board. The facility may add or discontinue beds as long as the number added or discontinued does not exceed 10 beds or 10% of the total facility capacity over the 2-year period) in the

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other services not affected by the permit. Each facility will be contacted annually to verify bed inventory. If there is found through this verification process, an increase or decrease in the calculated bed capacity of the facility, the State Agency shall determine the date the two-year period begins. The date shall be published in the next available compilation of the inventory of Health Care Facilities and Need Determinations by Planning Area. It should be noted that all proposed capital expenditures (including those which do not substantially change the bed capacity) in excess of the capital expenditure minimum require a permit, regardless of the purpose or nature of the project or transaction. However, it should also be noted that proposals for less than the capital expenditure minimum including those with no capital expenditure also require a permit if the project or transaction is for a substantial change in the facility's bed capacity.

"Substantially Changes the Scope or Changes the Functional Operation of the Facility" means construction or modification, including acquisition or alteration of equipment, for the purpose of instituting at a site an additional or different category of service as defined in "Category of Service," (Section 3 of Act) It should be noted that all proposed capital expenditures (including those which do not substantially change the scope) in excess of the capital expenditure minimum require a permit regardless of the purpose or nature of the project or transaction. However, it should also be noted that proposals for the capital expenditure minimum or less including those with no capital expenditure also require a permit if the project or transaction is for a substantial change in the facility's scope or functional operation.

"Unit" means the grouping of beds to provide a category of service. Units are physically identifiable areas which are staffed to provide all care required for particular service.

"Use Rate" means the ratio of inpatient days occurring to the population of an area expressed in days per 1,000 population over a 12-month period (Inpatient Days/Population in thousands = Use Rate).

"Use Rate Maximum" means a ceiling placed on an area's use rate in order to reduce the projected bed need. Use rate maximums are designed to prevent the overestimation of needed beds in formulas which utilize historical demand. Maximums are used in planning areas where other planning areas.

"Use Rate Minimum" means a lower limit placed on an area's use rate in



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order to inflate the projected bed need. Use rate minimums are designed to promote the development of beds in areas where historical utilization is too low to create a formula bed need. Low utilization is caused by a lack of services in the area or by an out migration of area residents to other areas for care.

"Utilization" means patterns or rates of use of a single service or type of service, within a given facility or also in combinations of facilities. Use is expressed in rates per unit of population at risk for a given period.

"Variance" means an exception to computed need based upon criteria or conditions as outlined in the planning policies for particular various categories of service.

(Source: Amended at 16 Ill. Reg. 16074, effective October 2, 1992)

## SUBPART C: PLANNING POLICES

## Section 1100.330 Professional Education Manpower Training

Applicants involved with professional education should seek to utilize existing facilities, beds and services through the development of affiliation agreements rather than undertaking construction or modification projects relating to professional education.

Health facilities involved with manpower training programs should seek to utilize existing facilities, beds and services through formal affiliation agreements rather than undertaking construction or modification projects relating to health manpower.

(Source: Amended at 16 Ill. Reg. 16074, effective October 2, 1992)

## Section 1100.340 Public Testimony Local Planning Studies

There may exist within a planning area special conditions which impact on the need for or the availability of health care services. To address these concerns it is a policy of the State Board will consider public testimony when acting upon a proposed application to accept local planning studies which detail the impact of such conditions and recommendations on ways in which local needs can be best met. Such studies will be considered by the State Board in its promulgation of rules and regulations.

(Source: Amended at 16 Ill. Reg. 16074, effective October 2, 1992)

## Section 1100.350 Multi-Institutional Systems

The State Board encourages the development of interrelationships between and among health care providers when such relationships facilities through agreement, management, licensure or ownership in order to increase efficiency, effectiveness, economy and quality of care. Such agreements are needed to insure optimal utilization of services, referral of patients to appropriate levels of care and to eliminate the need for costly and unnecessary duplication of services and equipment.

(Source: Amended at 16 Ill. Reg. 16074, effective October 2, 1992)

## Section 1100.410 Needed Facilities Plans of State Agencies and Recognized Area-wide Planning Organizations

The State Board encourages the maintenance and support of needed health care facilities in order to prevent the loss of essential health care services to Illinois residents in its determination of needed services and facilities shall take into consideration the relationship of proposed projects to plans of other agencies of the State and of recognized area-wide health planning organizations.

(Source: Amended at 16 Ill. Reg. 16074, effective October 2, 1992)

## Section 1100.420 Discontinuation

The discontinuation of a category of service or of a health care facility should occur only when such discontinuation does not adversely affect the public interest and should be carried out in such fashion to protect the continuity and quality of care provided to affected patients.

When an application for total discontinuation of an entire service or facility is made, it is the intent of the State Board to determine:

- if the reasons for the proposed discontinuation are valid;
- if the health care delivery system is the area will be adversely affected; and
- if such discontinuation is in the public interest.

(Source: Amended at 16 Ill. Reg. 16074, effective October 2, 1992)

## Section 1100.430 Coordination with Other State Agencies

In its determination of needed services and facilities as well as in individual project review, the State Board shall coordinate its planning efforts with other agencies of the State.

(Source: Amended at 16 Ill. Reg. 16074, effective October 2, 1992)



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## SUBPART D: NEED FORMULAS/UTILIZATION TARGETS

## Section 1100.510 Introduction, Formula Components and Planning Area Development

## a) Introduction

This Subpart details the specifics of all need equations utilized to evaluate services. Each subsection provides information on: planning areas utilized, how beds are counted, the applicable age group or groups, occupancy targets, subservice classifications included in the equation, use rate minimums and maximums, and the formula for the determination of total bed need. The Appendices to 77 Ill. Adm. Code 1110 contain all applicable formula data including the delineation of planning areas, population and utilization statistics. The Appendices are available from the Agency at 525 West Jefferson Street in Springfield, Illinois 62761.

## b) Formula Components

Formulas utilized by the State Board in projecting the number of needed beds can be categorized as demand based or incidence based need formulas. Each of these formula types represents a different conceptual outlook and incorporates different data elements as formula variables.

- 1) Demand Formula for services such as M-S/Pediatrics, Intensive Care, Rehabilitation and General Long-Term Care Categories of Service. Demand equations utilize the concept that what has occurred in the past will occur in the future. The formulas utilize inpatient days of care and population projections as the key data variables. The first formula step is to establish a utilization to population ratio (use rate). This ratio basically says that within a population an average number of inpatient days of care will be generated. This rate is then applied to the projected population estimate for the same area. This states that if the rate of use is constant, a future population can be expected to generate an identifiable number of inpatient days. These projected days are then converted to a daily census (projected days - 365) and multiplied by an occupancy target. The projected day figure can be equated to 100% occupancy of service for which need is projected. The occupancy target is a means of allowing additional beds to be added to an area to insure that sufficient beds exist to handle days when inpatient admissions are exceptionally high. This type of formula is tempered in use by the application of minimum and maximum use rates. These rates are controls and serve to inflate (minimum use rate) or deflate (maximum use rate) the projected bed need. These rates are established when historical patterns of use are influenced by a maldistribution of services. By adding to or subtracting from the number of needed beds, development of new beds and facilities can be influenced to add beds to underserved areas and to restrict

bed growth in areas of high bed to population ratios.

- 2) Incidence Formula for services such as Obstetrics, Acute Mental Illness and Burn Categories of Service. This type of formula utilizes the incidence level of a disease or a condition within a population to predict need. Utilizing national or State rates, the formula predicts the number of area residents who will need hospitalization based on the number of people who live in the area. Utilizing a standard estimate of how long a patient will be hospitalized, admissions are converted into patient days. As in the demand formulas, days are then converted to an average daily census and an occupancy target applied to obtain area bed need.

## c) Planning Area Development

Planning areas are geographic areas which the State Board deems as appropriate for evaluating the need for a particular service. The following factors are utilized in developing planning areas.

- 1) Nature of the service. Planning areas may vary in size in order to insure access within a reasonable travel time.
- 2) Patient Migration. The movement of patients to existing facilities and services will influence the boundaries of the planning area.
- 3) Referral Patterns. There exists a system of patient referral from primary care to secondary care to tertiary care. How people move within this system can influence the boundaries of a planning area.
- 4) Socioeconomic Factors. Population density, income level, ethnic percentages and age characteristics can influence the planning area boundaries.
- 5) Political and Geographic Boundaries. Physical features such as roads or rivers may influence a planning area boundary. Also, existing boundaries such as county or township lines may influence the size of the area.
- 6) Population. In some cases a minimum population base influences area size. A minimum population is important to insure a population base sufficient to support a broad range of services.

(Source: Amended 16 Ill. Reg. 16074, effective October 2, 1992)

## Section 1100.520 Medical-Surgical/Pediatric Categories of Service Beds

- a) Planning Areas: 57 areas in 8 regions
- b) Age Groups: Medical-Surgical - 15 and over; Pediatrics: 0-14
- c) Occupancy Targets:
  - 1) Occupancy Targets for "Modernization" (based on historical data).



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A) Medical-Surgical  
1-25 beds 60%  
26-99 beds 75%  
100-199 beds 85%  
200+ beds 88%

B) Pediatrics  
1-30 beds 65%  
31+ beds 75%

2) Occupancy Targets for "Addition of Beds Construction" (based-on-5 years-projected-data).

A) Medical-Surgical  
1-99 beds 80%  
100-199 beds 85%  
200+ beds 90%

B) Pediatrics  
Distinct-Unit  
Designated 75%  
--Beds Same as M-S

1-99 MS beds 80%  
100-199 MS beds 85%  
200+ MS beds 90%

d) Bed Capacity

- 1) Medical-Surgical bed capacity is the lesser of measured bed capacity or functional bed capacity per individual room.
- 2) Pediatrics bed capacity is the lesser of measured bed capacity or functional bed capacity per individual room in units of less than 16 beds which are not distinct pediatric units. In pediatric units--one having its own nursing station--the reported functional capacity is utilized.

e) Total Bed Need for Medical-Surgical (M-S) and Pediatrics and the number of additional beds needed are as determined by planning area as follows:

- 1) dividing the three year average of experienced patient days for each of three age groups (0-14, 15-64 and 65+) by the base year population for each age group resulting in age specific base use rates;
- 2) multiplying each age specific base use rate by the projected population of the age group to obtain projected patient days;
- 3) adding the projected days of the age groups to obtain total projected patient days;
- 4) subtracting the number of patients entering the planning area for service from the total out-migration to obtain a net patient migration total.\*

AGENCY NOTE: \*Patient migration adjustment is for a one year period and the base year shall be the date of the latest available patient origin data.

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- 5) multiplying the net patient migration total by state average length of stay for service to obtain migration patient days;
- 6) multiplying the migration patient days by .15 (15%) adjustment factor to obtain patient day adjustment;
- 7) add patient day adjustment, when area is a net out-migration area, to projected patient days; or
- 8) subtract patient day adjustment, when area is a net in-migration area, from projected patient days;
- 9) dividing total migration adjusted patient days by days in year to obtain projected average daily census;
- 10) dividing the projected average daily census by the occupancy target for new construction for the service to obtain the bed need.
- 11) calculating the number of beds which should be added in each area by subtracting the number of beds in existing facilities from the number of beds needed.

(Source: Amended at 16 Ill. Reg. 16074, effective October 2, 1992)

Section 1100.530 Obstetric Category of Service Beds

- a) Planning Areas: Same as M-S
- b) Age Groups: Female 15-44; Female 15 and over
- c) Occupancy Targets (developed-based-upon-historical-data):

|            |     |                |
|------------|-----|----------------|
| 1-10 beds  | 60% | Gynecology     |
| 11-25 beds | 75% | Utilization    |
| 26+ beds   | 78% | within         |
|            |     | Obstetrics 90% |

Occupancy-Targets--  
Modernization-and  
Construction

Service

Obstetrics

|             |     |
|-------------|-----|
| 1-10-beds   | 60% |
| 11-25-beds  | 75% |
| 26+-beds    | 78% |
| Gynecology  |     |
| Utilization |     |
| within      |     |
| Obstetrics  | 90% |

- d) Bed Capacity: Obstetrics bed capacity is the lesser of measured bed capacity or functional bed capacity per individual room.

e) Total Bed Need for Obstetrics and the number of additional beds needed are as determined by:

- 1) multiplying the projected female 15-44 population by the current fertility rate of the health planning area to obtain projected



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- births;
- 2) multiplying the projected number of births by a hospitalization factor of .99 (99%) to determine number of projected births occurring in hospitals;
  - 3) multiplying projected births occurring in hospitals by length of stay factor of 3.5 days to obtain projected maternity patient days;
  - 4) dividing the gynecology utilization (of the base year) within obstetric units by the current female 15+ population to obtain a use rate;
  - 5) multiplying the use rate of gynecology patients by the projected female 15+ population to obtain projected gynecology patient days;
  - 6) dividing the projected maternity patient days by 365 to obtain a maternity average daily census;
  - 7) dividing the projected gynecology patient days by 365 to obtain a gynecology average daily census;
  - 8) dividing the gynecology patient days by .9 (90%) to determine obstetric beds needed for gynecology patients;
  - 9) dividing the maternity average daily census by the occupancy target for new construction to obtain obstetric beds needed for maternity patients;
  - 10) adding the maternity bed need (step 9d) with the gynecology need (step 8g) to determine total unadjusted obstetric bed need.
  - 11) determine the number of patients entering the planning area from outside and the number of area residents leaving the planning area for obstetrics service;
  - 12) multiplying the total number of patients entering the area and those leaving the area by 3.5 to determine a patient day estimate for in-migration and out-migration;
  - 13) multiplying the patient totals for area in-migration and out-migration by a .85 (85%) adjustment factor;
  - 14) subtracting the resulting in-migration adjusted patient day total from the out-migration adjusted patient day total to determine the net in or out patient day migration estimate;\*  
AGENCY NOTE: \*patient migration adjustment is for a one year period and the base year shall be the date of the latest available patient origin data.
  - 15) dividing the net in or out patient day estimate by 365 to determine the average daily census for migration;
  - 16) adding to net in-migration areas the average daily census for migration to the unadjusted bed need to determine the migration adjusted obstetric bed need; in net out-migration areas subtract the average daily census for migration to determine adjusted obstetric bed need.
  - 17) calculating the number of beds which should be added in each area by subtracting the number of beds in existing facilities from the number of beds needed.

(Source: Amended at 16 Ill. Reg. 16074, effective October 2, 1992)

## Section 1100.540 Intensive Care Category of Service Beds

- a) Planning Areas: Same as M-S
- b) Age Groups: All ages
- c) Occupancy Targets-(Developed-based-upon-historical-data): 60%

Occupancy-Targets--  
Modernization-and  
Construction

## Service

## Intensive-Care

All-units-60%

- d) Bed Capacity: Intensive Care-beds care bed capacity is the reported functional capacity of each patient room.

e) Total Bed Need Determination for Intensive-Care intensive care and the number of additional beds needed is determined by:

- 1) dividing the three year average of experienced intensive care patient days by the total base year population to obtain a use rate;
- 2) multiplying the use rate by the projected total population to obtain projected patient days;
- 3) dividing the projected patient days by days in year to obtain a projected average daily census;
- 4) dividing the projected average daily census by the occupancy target for new construction for the service to obtain the bed need;
- 5) calculating the number of beds which should be added in each area by subtracting the number of beds in existing facilities from the number of beds needed.

(Source: Amended at 16 Ill. Reg. 16074, effective October 2, 1992)

## Section 1100.550 Comprehensive Physical Rehabilitation Category of Service Beds

- a) Planning Areas: Health Service Areas as-defined-by-HHS-pursuant-to P-B-93-64t.
- b) Age Groups: All ages
- c) Occupancy Target Targets-(Developed-based-upon-historical-data): 85%

-to Kent Law



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Occupancy-Targets--  
Modernization-and  
Construction

Service All-units 85%

c) Occupancy Target Targets--(Developed-based-upon-historical-data): 85%

Occupancy-Targets--  
Modernization-and  
Construction

Service

Comprehensive Physical Rehabilitation All-units 85%

Acute-Mental-Illness

All-units 85%

- d) Use Rate Minimum: 60% of state use rate. The minimum will apply if the area's experienced use rate falls below the minimum.
- e) Bed Capacity: Comprehensive Physical Rehabilitation bed capacity is the lesser of measured bed capacity or functional bed capacity per individual patient room.
- f) Total Bed Need for Comprehensive Physical Rehabilitation and the number of additional beds needed are determined by:
- 1) multiplying the experienced use rate or minimum use rate if applicable by the projected area population to determine projected patient days for that area;
  - 2) dividing the projected or planned patient days by 365 to obtain the projected average daily census; and
  - 3) dividing the projected average daily census by the .85 (85%) occupancy factor to obtain the bed need.
  - 4) calculating the number of beds which should be added in each area by subtracting the number of beds in existing facilities from the number of beds needed.

(Source: Amended at 16 Ill. Reg. 16074, effective October 2, 1992)

Section 1100.560 Acute Mental Illness Categories of Service

- a) Planning Areas:
- 1) For the Department of Mental Health and Developmental Disabilities, the State of Illinois;
  - 2) For persons other than the Department of Mental Health and Developmental Disabilities, health service areas except for Areas VI and VII which are further delineated in the Inventory of Health Care Facilities, which is compiled by the Department.
- †† Health Service Areas as defined by the Department of Health and Human Services pursuant to the National Health Planning and Resource Development Act (42 U.S.C. 300k).
- ‡‡ Health Service Areas VI and VII were further delineated and subdivided into geographic units called planning areas based upon following the existing designated subregions of the Department of Mental Health and Developmental Disabilities, as closely as possible.
- b) Age Groups: Children/Adolescents (Ages 0-17); Adults (Ages 18 and Over)

- d) Bed Capacity: Acute Mental Illness bed capacity for facilities not operated by the Department of Mental Health and Developmental Disabilities is the lesser of measured bed capacity or functional bed capacity per individual room. For facilities operated by the Department of Mental Health and Developmental Disabilities, all mental illness beds are counted as chronic beds. State facilities can provide acute mental illness care but for purposes of review only the service not the beds are recognized as acute.

- e) Total Bed Need Determination and the number of additional beds needed for Acute Mental Illness in the private sector (i.e., for facilities other than those operated by the Department of Mental Health and Developmental Disabilities) are determined by:

- 1) A bed need of .4 beds per 1,000 population is established in each planning area as the need baseline.
- 2) Calculate a state facility bed usage need per 1,000 population by dividing the total number of state beds utilized for Acute Mental Illness (AMI) service by the state population in thousands.
- 3) Subtract in each planning area the calculated state facility bed usage need per 1,000 population from the .4 per 1,000 population baseline to obtain an adjusted bed need rate.
- 4) Calculate an AMI adjustment factor by dividing private sector AMI admissions by the combined total private sector AMI and Substance Abuse admissions.
- 5) Multiply the adjusted bed need rate (step 3) by the AMI adjustment factor (step 4) to obtain a service adjusted bed need rate.
- 6) Divide the adjusted bed need rate from step 5 by an occupancy target of .85 (85%) then multiply the occupancy adjusted rate by the projected area population in thousands to arrive at the initial bed need.
- 7) Adjust the planning area bed need for migration:
  - A) determine the number of patients entering the planning area and the number of area residents leaving the planning area for acute mental illness service;
  - B) multiply the total number of patients entering the planning area by 20 to obtain in-migration days of care;
  - C) multiply the total number of patients leaving the planning area by 20 to obtain out-migration days of care;
  - D) multiply both the in-migration and out-migration days of care totals by a .85 (85%) adjustment factor;



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- E) subtract the smaller adjusted migration days of care total from the larger adjusted migration days of care total to determine the net patient day migration total (If the out-migration is largest the area is a net out-migration area while the reverse is true if in-migration days is the larger figure.);\*
- AGENCY NOTE: \*Patient migration adjustment is for a one year period and the base year shall be the date of the latest available patient origin data.
- F) divide the net in or out patient day migration total by 365 to determine the average daily census for migration;
- G) in the case of a net in-migration add the average daily census for migration to the initial bed need (step 6). In the case of a net out-migration, subtract the average daily census for migration from the initial bed need to obtain the calculated number of beds needed;
- 8) Calculate the number of additional beds needed in each area by subtracting the number of existing beds in private sector facilities from the calculated number of beds needed.
- AGENCY NOTE: The bed may be further adjusted by an applicant for the purpose of the variances (77 Ill. Adm. Code 110.730(c)(2)(c)) for age groups by multiplying the bed need per planning area by the percentage of area population in the specific age group (i.e., if 60% of an area's population was 18 and over then 60% of needed beds would be for this age group).
- f) No formula bed need for State operated facilities has been developed. It is the responsibility of the applicant to document the need for a project by complying with the Review Criteria contained in 77 Ill. Adm. Code 110, Subpart 1.

(Source: Amended at 16 Ill. Reg. 16074, effective October 2, 1992)

Section 1100.570 Substance Abuse Category of Service Beds

- a) Planning Areas: Health Service Areas HSAs as defined by the Department of Health and Human Services pursuant to the National Health Planning and Resources Development Act (42 U.S.C. 3006f).
- b) Age Groups: all ages
- c) Occupancy Target Targets (Developed based upon historical data): 90%

Service  
Occupancy Targets--  
Modernization and  
Construction

Substance Abuse All-units 90%

- d) Bed Capacity: Substance Abuse bed capacity is the lesser of measured

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- e) bed capacity or functional bed capacity per individual bedroom room. Bed Need Determination-Substance Abuse
- The State Board recognizes that there is a need for facilities and beds for the treatment of substance abuse and encourages the establishment of these beds outside of inpatient facilities and state-operated facilities; therefore, this Subchapter does not specify or program bed need for substance abuse, although all substance abuse facilities and their beds are inventoried by the Agency. No formula bed need for substance abuse has been developed. It is the responsibility of the applicant to document justify the number of beds needed in any proposed project by complying with the Review Criteria contained in 77 Ill. Adm. Code 110, Subpart 1.

(Source: Amended at 16 Ill. Reg. 16074, effective October 2, 1992)

Section 1100.580 Neonatal Intensive Care Category of Service Perinatal/High Risk-Beds

- a) Planning Areas: (HSA means Health Service Area)

|       |          |       |                |
|-------|----------|-------|----------------|
| HSA   | 1        | HSA's | 5 and 11       |
| HSA's | 2 and 10 | HSA's | 6, 7, 8, and 9 |
| HSA's | 3 and 4  |       |                |

The State Board encourages the statewide health planning organizations in the Chicago Metropolitan Area to coordinate efforts to develop a proper distribution of perinatal centers throughout the area.

- b) Occupancy Targets (Developed based upon historical data): 75%

Service  
Occupancy Targets--  
Modernization and  
Construction

High-Risk-Beds-for-Infants 75%

- c) Bed Capacity: Neonatal Intensive Care Perinatal/High-Risk bed capacity is the reported functional capacity per patient room. Bed capacity refers only to bassinets used for intensive high-risk neonates.

- d) Bed Need Determination-Neonatal Intensive Care High-Risk-Beds-for-Infants:

No formula bed need for intensive neonatal intensive care beds has been developed. It is the responsibility of the applicant to document the need for the number of intensive neonatal intensive beds proposed by complying with the Review Criteria contained in 77 Ill. Adm. Code 110, Subpart 1. Documentation submitted pursuant to this subsection must justify beds proposed through market studies which reflect such



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factors-as-infant-mortality--infant--birth-weight--facility--market share--and-project-demand-for-service-within-the-planning-area-to-be served--High-risk-beds-shall-be-located-only-in-facilities-recognized as-providing-intensive-neonatal-services-as-reflected-in-the-May-15, 1988--amendments--to--the--inventory-of-Health-Care-Facilities-and-Bed Need-Determinations-by-Planning-Area-promulgated-by--the--Health--Care Facilities--Planning-Board-and-which-for-the-1986-calendar-year-period reported-level-37-utilization-in--the--Annual-Hospital-Questionnaire required--by--the-Department-of-Public-Health--(See-77 Ill-Adm--Code 110-928(a)-7)

(Source: Amended at 16 Ill. Reg. 16074, effective October 2, 1992 )

Section 1100.590 Burn Category of Service Beds

- a) Planning Areas: (HSA means Health Service Area)
- | HSA            | HSA's                |
|----------------|----------------------|
| 1              | 5 and 11             |
| HSA's 2 and 10 | HSA's 6, 7, 8, and 9 |
| HSA's 3 and 4  |                      |
- b) Age Groups: All ages
- c) Occupancy Target Targets (Developed based upon historical data): 60%

|         |                                |
|---------|--------------------------------|
| Service | Occupancy Targets--            |
|         | Modernization-and Construction |
| Burn    | All-units 80%                  |

- d) Bed Capacity: Burn bed capacity is the reported functional capacity of the burn unit.
- e) Burn Incidence:
- A standard estimate is that annually one in every 5,283 persons will have a burn accident requiring hospitalization and treatment in a burn care center/unit. The number of burn victims requiring hospitalization can be determined by calculating the number of annual burn admissions by planning area.
- f) Total Bed Need Determination/Burn and the number of additional beds needed for burn care are determined by:
- 1) A standard estimate is that annually one in every 5,283 persons will have a burn accident requiring hospitalization and treatment in a burn care center/unit.
- 2) The number of burn victims requiring hospitalization can be determined by calculating the number of annual burn admissions by planning area. Therefore to determine bed need in a planning area the procedure is as follows:
- 1A) Calculate Calculating the number of expected annual burn

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treatment patients requiring care by taking dividing the projected planning area population and dividing it by 5,283. Calculate Calculating projected patient days by multiplying by 18 days (average length of stay).

2B) Calculate Calculating average daily census by dividing projected patient days by 365.

3E) Calculate Calculating the number of burn center/unit beds needed, divide by .80 (optimum occupancy factor of 80%).

4B) Calculate Calculating the number of burn beds which should be added in each area by subtracting the number of beds in existing facilities from the number of beds needed.

(Source: Amended at 16 Ill. Reg. 16074, effective October 2, 1992 )

Section 1100.610 Open Heart Surgery Category of Service

- a) Planning Areas: Health Service Areas as defined by the Department of Health and Human Services pursuant to P.B. 93-641:
- b) Utilization Standards:
- 1) Adult: There should be a minimum of 200 open heart procedures performed annually by each facility within three years after initiation, in any institution in which open heart surgery is performed for adults. Higher case loads, over 200 per annum, are encouraged.
- 2) Pediatric: There should be a minimum of 75 pediatric open heart operations performed annually by each facility within three years after initiation of the service in any institution in which pediatric open heart surgery is performed, of which 75 should be open heart surgery.
- 3) Adult/Pediatric: The defined minimum utilization standards for both adult and pediatric shall apply for programs doing both adult and pediatric open heart surgery.
- c) Open Heart Surgery Programs:

The need for an open heart surgery category of service shall be institution specific and determined by the volume of at least 200 patients referred to other institutions for surgery following a cardiac catheterization procedure at the applicant facility or a minimum of 750 cardiac catheterizations were performed annually at the applicant facility population-based--the development of new surgical programs and services--shall--be based on identified populations of 500,000 or more who are not within 90 minutes travel time of a facility currently providing or approved to provide open heart surgery.

(Source: Amended at 16 Ill. Reg. 16074, effective October 2, 1992 )

Section 1100.630 Chronic Renal Dialysis Category of Service End-Stage-Renal



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## Disease

- a) Planning Areas: Health Service Areas HSAs--as--defined--by--the Department--of--Health--and--Human--Services--pursuant--to--the--National Planning--and--Resources--Development--Act--are--utilized--in--the--review--of Renal--Dialysis--Centers--or--facilities--the--entire--State--of--Illinois--is the--planning--area--for--Renal--Transplantation--Centers.
- b) Utilization Standards:  
Renal Dialysis Centers or facilities must operate at a minimum of 80 percent utilization rate, assuming three 2 patient shifts per day per renal dialysis station operating six 6 days a week.
- c) Need Determination--Chronic Renal Dialysis End-Stage-Renal-Dialysis: The chronic renal dialysis end-stage-renal-disease station need is a two-year projection from the base year. The need for additional treatment stations can be estimated utilizing the following methodology:
- 1) Determine the patient population receiving dialysis services in the base year.
  - 2) Determine the number of new patients who will need dialysis services by adding a net increase of 56 new patients per million population annually.
  - 3) Add the number of patients currently in dialysis (Step (1)) to the number of new patients expected (Step (2)) to determine maximum projected population volume.
  - 4) Adjust the maximum projected population volume by subtracting a 10% annual attrition rate due to death and successful transplantation.
  - 5) Adjust the projected patient volume determined determine in Step (4) downward by subtracting a projected number of patients who will receive home dialysis. This projection is based on the percentage of patients receiving home dialysis within the planning area in the base year when that percentage exceeds 12.4%percent. When the percentage falls below 12.4%percent, a minimum percentage of 12.4% percent will be applied.
  - 6) Utilizing the adjusted projected patient volume determined in Step (5) determine the total number of estimated institutional procedures per year by multiplying the projected patient volume from Step (5) by an average number of procedures per patient per year (156). This utilization rate is based on a 3 times weekly treatment schedule.
  - 7) Determine the number of dialysis stations needed by dividing the number of estimated procedures per year (Step (6)) by a recommended average procedures per year of 750 500 which is based on an optimal 80% utilization rate.
  - 8) Subtract the number of existing stations from the projected number of needed stations to determine the need for additional stations in the area.

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(Source: Amended at 16 Ill. Reg. 16074, effective October 2, 1992)

## Section 1100.660 General Long-Term Care Category of Service Beds

("General Long-Term Care" is defined in 77 Ill. Adm. Code 1110.1720(a)).

- a) Planning Areas: 110 areas in 11 regions
- 1) Planning--Areas--for--the--Chicago--Health--Service--Area--the--City--of--Chicago--is--divided--into--geographic--units--called--community--areas--in--delineating--planning--areas--community--areas--were--combined--taking--into--account--socio-economic--data--long-term--care--patient--origin--studies--conducted--by--the--Department--of--Public--Health--the--distribution--of--beds--and--facilities--serving--the--existing--population--the--relationship--of--existing--facilities--to--other--health--care--facilities--including--acute--care--facilities--and--the--planning--guidelines--specified--above--Particular--attention--was--given--to--areas--which--have--limited--accessibility--and--to--time--distance--factors--within--the--City--this--plan--establishes--it--planning--areas--for--the--City--of--Chicago:
- 2) Planning--Areas--for--the--Suburban--Cook--and--DuPage--Counties--Health--Service--Area--Planning--areas--for--the--suburban--Cook--County--and--DuPage--County--health--service--area--were--based--on--combinations--of--townships--utilizing--the--guidelines--and--socio-economic--factors--previously--stated--Twelve--planning--areas--are--established--within--this--health--service--area:
- 3) Planning--Areas--for--Other--Health--Service--Areas:
- A) Based--upon--an--analysis--of--socio-economic--data--patient--origin--studies--and--planning--guidelines--it--was--determined--that--planning--areas--should--be--coterminous--with--county--boundaries--for--HSAs--outside--of--Cook--and--DuPage--counties--B) In--some--instances--it--was--necessary--to--combine--counties--in--order--to--have--a--sufficient--population--base--to--provide--a--broad--range--of--services:
- b) Age Groups: 0-64, 65-74 and 75 and over:
- c) Occupancy Targets {"Modernization"--target--based--upon--historical--data--and--"Construction"--target--based--upon--5--years--projected data}: Modernization 85%; Additional Beds 90%
- | Service             | General Long-Term Care | Modernization and Construction |
|---------------------|------------------------|--------------------------------|
| Occupancy Targets-- |                        |                                |
| Modernization--     | 85%                    |                                |
| Construction        | 90%                    |                                |
- d) Need Determination Categories-of-Service:
- 1) Bed need in for the General Long-Term Care Classification of Facilities is will be calculated only for the Nursing Category of



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Service only which includes the skilled nursing level--of--care and/or the intermediate nursing level levels of care.

- 2) No formula bed need for the sheltered care category of service has been developed. It is the responsibility of the applicant to document the number of beds needed in any proposed project by complying with the Review Criteria contained in 77 Ill. Adm. Code

1110, Subpart I.

e) Minimum Use Rate:

In-assessing-the-bed-need-for-the-Nursing-Category-of-Service--minimum use-rates-are-established-in-order-to-promote-the-development-of--beds in-underserved-areas--the-formula-developed-evaluates-current-facility usage-by--age--groups--(0-64,--65-74--and--75--and-over)--as-reflected throughout-the-entire-HSA:

- 1) Calculation-of-HSA-Use-Rates---in-order-to-evaluate-a--planning area's--use-rate-(patient-days-per-1,000-population)--it-is-first necessary-to-determine Determining the overall health service area use rates by age group (0-64, 65-74 and 75 and over) by dividing the patient days for each age group by the area population for that age group.

- 2) Minimum-Rates---to-establish-a-minimum-use-rate-for-each age group--the--calculated by multiplying the HSA use rate for each age group is multiplied by .6 (60%).

f) Maximum Use Rate:

In-order-to-prevent-the-over-development-of-beds-in-a-planning-area--a ceiling-on-the-use-rate-for-each-HSA-is-established:

- 1) Calculation-of-HSA-use-rates---in-order-to-evaluate-a--planning area's-use-rate-it-is-necessary-to-determine Determine the overall HSA use rates by age group (0-64, 65-74 and 75 and over) by dividing the patient days in each age group by the area population for that age group.

- 2) Maximum-rates---to-establish-a-maximum-use-rate-for-each age group--the-calculated by multiplying the HSA use rate for that each age group is multiplied by 1.6 (160%).

g) Formula or Planned Use Rate:

- 1) Each planning area's experienced use rate is then calculated for each of the age groups by dividing the total number of patient days attributed to an age group (in all area facilities) by the current planning area population within the same age group (expressed in thousands).

- 2) The experienced use rates established by planning area, the HSA maximum use rates (by age group) and the HSA minimum use rates (by age group) are multiplied by the projected age group populations for the HSA.

- 3) The results of the "experienced use rate calculations" and the "HSA minimum and maximum use rate calculations" for each age group are compared. The experienced use rate is utilized in the formula if it is between the minimum and maximum totals in each age group. If the experienced use rate exceeds the maximum, the

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maximum rate for that age group is utilized. If it falls below the minimum, the minimum use rate for that age group is utilized in the need projection.

- h) Bed Capacity: Skilled, intermediate and sheltered long-term General long-term care bed capacity is the licensed bed capacity for the service.

- i) Total Bed Need and the number of additional beds needed for care are General long-term care is determined by:

- 1) Multiplying the formula or planned use rate for each age group by the planning area's projected population (in thousands) for each age group to obtain the projected or planned patient days for each age group for that area;

- 2) The three age group projections are summed to reflect "total area projected patient days";

- 3) Dividing the projected patient days by 365 (days) to obtain the projected average daily census;

- 4) Dividing the projected average daily census by the .9 (90%) occupancy factor to obtain the total number of beds needed; and

- 5) Subtracting the number of existing beds in the area from the total number of beds needed to determine see-is additional beds are needed in-the-area or if--an the excess number of beds existing exist.

(Source: Amended at 16 Ill. Reg. 16074, effective October 2, 1992)

Section 1100.670 Specialized Long-Term Care Categories of Service Beds

a) Categories of Service:

- 1) The Chronic Mental Illness (M.I.) Category of Service,
- 2) The Long-Term Care for the Developmentally Disabled (Adult) Category of Service,
- 3) The Long-Term Care for the Developmentally Disabled (Children) Category of Service, and
- 4) Long-Term Medical Care for Children.

ba) Planning Areas: Health-Service-Areas-as-defined-by-the-Department--of Health-and-Human-Services-pursuant-to-P.B.-93-641.

- 1) The State of Illinois is utilized for the Chronic Mental Illness and Long-Term Medical Care for Children categories of service;
- 2) Health Service Areas are utilized for the Developmentally Disabled Children and Adult categories of service.

b) Age Groups:

- 1) For--the--Chronic--Mental--Illness--(M.I.)--Category-of-Service--the population-base-is-the-total-population--of--the-Health--Service Area;

- 2) For--the--Long-Term-Care-for-the-Developmentally-Disabled--(Adult) Category-of-Service--(including-Intermediate-Care-Facilities--For the--Developmentally-Disabled-of-Fifteen--(15)--Beds-or-less)--the



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- c) population base is the total population of the Health Service Area ages 19 years and above (Adult population):  
Occupancy Targets (Modernization target based upon historical data and reconstruction target based upon 5 years projected data): Modernization 80%; Additional Beds 90%

Occupancy Targets--  
Modernization and  
Construction

Modernization 85%  
Construction 90%

Service

Specialized long-term care

d) Categories of Service:

- 1) The Chronic Mental Illness (M.I.) Category of Service
- 2) The long-term care for the developmentally disabled (Adult) Category of Service (including intermediate care facilities for the developmentally disabled of fifteen (15) beds or less) and
- 3) The long-term care for the developmentally disabled (Childrent) Category of Service, and
- 4) Long-term Medical Care for Children:

- e) Minimum Use Rate--60% of State Use Rate--The State Use Rate is calculated by dividing total patient days for the state by the total state population:

f) Planned Use Rate:

An experienced use rate (patient days per 1,000 population) is determined for each category of service by Health Service Area, by dividing the utilization data for each category of service by the population base. The experienced use rate shall be used as the Planned Use Rate unless the experienced use rate is below the minimum use rate. If the experienced use rate is below the minimum use rate, then the minimum use rate shall be utilized. For the Chronic Mental Illness Category of Service, the following shall also apply: If the experienced use rate is above the State use rate, then the State use rate shall be utilized.

- dg) Bed Capacity: Specialized long-term care services For facilities licensed pursuant to the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.), the bed capacity is the licensed bed capacity for the service. In State operated facilities the bed capacity is the reported functional capacity. For facilities licensed pursuant to the Hospital Licensing Act, the bed capacity is the lesser of measured bed capacity or functional bed capacity per patient room.

e) Bed Need Determination for the Specialized Categories of Service:

No formula bed need for these categories of service has been developed. It is the responsibility of the applicant to document the need for the service by complying with all applicable Review Criteria contained in 77 Ill. Adm. Code 1110, Subpart I.

h) Total Bed Need for Specialized long-term care:

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- 1) Chronic Mental Illness;
  - 2) Long-term care for the developmentally disabled (Adult); and
  - 3) Long-term care for the developmentally disabled (Children):
- A) Multiplying the experienced maximum or minimum use rate (whichever is applicable) for the category of service by health service area by the projected population base for that category of service in order to obtain the projected or planned patient days for that category of service in the health service area;
- B) Dividing the projected or planned patient days by 365 (days) to obtain the projected average daily census;
- C) Dividing the projected average daily census by the 90% occupancy factor to obtain the total number of beds needed; and
- B) Subtracting the number of existing beds in the area from the total number of beds needed to see if additional beds are needed in the area or if an excess number of beds exists;

1) Bed Need Determination for the long-term Medical Care for Children Category of Service:

- A need for additional beds exists when it is determined in a service or planning area that the following conditions can be quantified:
- 1) The existence of a population group ages 0-18 years which requires long-term medical treatment;
  - 2) That such population requires special programs and/or services;
  - 3) That insufficient facility space and/or services exist to meet the needs of such population;

(Source: Amended at 16 Ill. Reg. 16074, effective October 2, 1992)

Section 1100.720 Selected Organ Transplantation

a) Planning Area - The State of Illinois

b) Need Determination:

No formula need has been developed for this category of service. It is the responsibility of the applicant to document the need for the service by complying with all applicable Review Criteria contained in 77 Ill. Adm. Code 1110, Subpart I.

(Source: Added at 16 Ill. Reg. 16074, effective October 2, 1992)

Section 1100.730 Kidney Transplantation

a) Planning Area - The State of Illinois

- b) Need Determination - One program is needed for a population base of two million unserved people within a three-hour travel time.

c) Utilization Standards - Minimum utilization of 25 transplants



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annually.

(Source: Added at 16 Ill. Reg. 16074, effective  
October 2, 1992)

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1) The Heading of the Part:

Processing, Classification Policies and Review Criteria

2) Code Citation:

77 Ill. Adm. Code 1110

3) Section Numbers:

Adopted Action:

|           |             |
|-----------|-------------|
| 1110.20   | Repealed    |
| 1110.30   | Amendment   |
| 1110.40   | Amendment   |
| 1110.55   | Amendment   |
| 1110.230  | Amendment   |
| 1110.240  | New Section |
| 1110.320  | Amendment   |
| 1110.420  | Amendment   |
| 1110.530  | Amendment   |
| 1110.630  | Amendment   |
| 1110.730  | Amendment   |
| 1110.830  | Amendment   |
| 1110.910  | Amendment   |
| 1110.920  | Amendment   |
| 1110.930  | Amendment   |
| 1110.1030 | Amendment   |
| 1110.1210 | Amendment   |
| 1110.1220 | Amendment   |
| 1110.1230 | Amendment   |
| 1110.1410 | Amendment   |
| 1110.1420 | Amendment   |
| 1110.1430 | Amendment   |
| 1110.1730 | Amendment   |
| 1110.1830 | Amendment   |
| 1110.2030 | Amendment   |
| 1110.2310 | Amendment   |
| 1110.2320 | Amendment   |
| 1110.2330 | Amendment   |
| 1110.2410 | New Section |
| 1110.2420 | New Section |
| 1110.2430 | New Section |



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4) Statutory Authority:

Implementing and authorized by the Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1151 et seq.)

5) Effective Date of Amendments: October 2, 1992

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain any Incorporations by Reference? Yes

8) Date Filed in Agency's Principal Office: October 2, 1992

9) Date Notice of Proposed Repealer was Published in the Illinois Register:

15 Ill. Reg. 15299 - October 25, 1991

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

1) In Section 1110.40(b), references to Parts 1230 and 1240 have been added under several review criteria entries.

2) Section 1110.230(c) has been revised to read as follows:

c) Staffing --Review Criterion

- 1) All applicants must document: That the supply of manpower currently available in the area is sufficient to meet the health service needs in that area. Documentation should include, but is not limited to, letters of verification from other health facilities and organizations in the area, including any surveys done by such facilities and organizations on manpower availability; and
- 2) Any applicant proposing a Long-Term Care category of Service must document:
  - A) An adequate supply of health manpower exists within the

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planning area. Documentation shall consist of evidence that less than 20% of area facilities have been cited for staffing deficiencies by the Department of Public Health in its licensure or certification inspections over the last two year period; and

B) That the required staffing levels under applicable licensure and Title XVIII/Title XIX certification will be met.

3) Section 1110.230(d) has been revised to include the following sentence:

Serious violation means a type A or type B violation pursuant to 77 Ill. Adm. violation pursuant to 77 Ill. Adm. 300, 330, 350, or 390, in a long-term care facility licensed by the Department. In other facilities serious violation means an action taken to repeal licensure or certification.

3) Section 1110.320(g)(2) has been revised to specify that "...annual utilization of beds will meet or exceed the target utilization. Documentation shall include, but not be limited to, historical utilization trends..."

4) Section 1110.420(d) has been revised to read as follows:

d) "Establishment of Facilities" -- Review Criterion. It is the policy of the State Board that no new renal dialysis center or facility be established in a planning area unless:

1) All existing renal dialysis centers or facilities within the planning area are operating at the minimum utilization standards for such facilities as detailed in 77 Ill. Adm. Code 1100.630; or

2) The planning area is currently underserved by existing renal dialysis centers or facilities as demonstrated by a calculated need for additional stations. The need for treatment stations can be estimated utilizing the formula reflected in 77 Ill. Adm. Code 1100.630 for the determination of station need.

5) Section 1110.1830(c) has been revised to read as follows:

c) "Recommendation from the State Agencies -- Review Criterion". An applicant proposing a facility for the developmentally disabled must document contact with the Departments of Mental Health and Developmental Disabilities and the Department of Public Aid. Documentation must include proof that a request has been submitted to each agency requesting the Agency determine the project's consistency with the long-range goals and objectives of the Department and



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requesting the identification of individuals in need of the service. Such a request must be made by certified mail return receipt requested and must occur within a 60-day period prior to the submission of this application.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

- 1) Section 1110.40(c) has been modified to state: "All projects that do not include components specified in subsection (b) shall be subject to review and shall be classified substantive unless they are found to be emergency projects as delineated in subsection (a) above."
- 2) Section 1110.1730(d)(3)(A)(I) has been modified to state in part: "Diagnosis Related Group (DRG)..."
- 3) The reference to federal regulations in Section 1110.1730(d)(3)(B) has been updated to read: "... (see 42 CFR 223 (1990))..."
- 4) Section 1110.2430(c) has been modified to state in part: "...teaching institution (see Section 1110.2320(c))..."

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

All changes agreed upon by the Department and the Joint Committee on Administrative Rules have been made.

- 13) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

- 14) Are there any other Amendments Pending on this Part? No

- 15) Summary and Purpose of Amendments:

The adopted amendments repeal the section concerning projects required to obtain a permit, because rules related to this provision will be included in rules at 77 Ill. Adm. Code 1130. The amendments specify requirements concerning the use of public testimony in processing and reviewing applications for permits and add references to specific review criteria in the Board's rules, according to applicable project type. The rulemaking modifies a medically underserved variance, reduces requirements for new rehabilitation programs, includes new statutory language on acute mental illness category of service bed development, and modifies the definition of acute services that are provided in State facilities.

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New reporting requirements are added as a part of substance abuse review criteria. A new policy is established on neonatal intensive care, specifying review criteria for staffing, letters of agreement, need for additional beds, and obstetric services. Open heart surgery review criteria has been modified to consider the historical caseload of the applicant in need determination. Chronic renal dialysis review criteria has been modified to make all organ replacement surgery standards consistent with each other and to focus only on dialysis. New standards on zoning have been added to general long-term care and specialized long-term care review criteria. New sections have been added concerning definitions and review criteria applicable to the kidney transplantation category of service.

- 16) Information and Questions Regarding this Adopted rulemaking shall be directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Amendments begins on the next page:



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TITLE 77: PUBLIC HEALTH

CHAPTER II: DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES  
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SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1110

PROCESSING, CLASSIFICATION POLICIES AND REVIEW CRITERIA

SUBPART A: GENERAL APPLICABILITY AND PROJECT CLASSIFICATION

Section  
1110.10 Introduction to Part 1110  
1110.20 Projects Required to Obtain a Permit (Repealed)  
1110.30 Processing and Reviewing Applications  
1110.40 Classification of Projects  
1110.50 Recognition of Services which Existed Prior to Permit Requirements  
1110.55 Recognition of Non-Hospital Based Ambulatory Surgery Category of Service

SUBPART B: REVIEW CRITERIA--DISCONTINUATION

Section  
1110.110 Introduction  
1110.120 Discontinuation--Definition  
1110.130 Discontinuation--Review Criteria

SUBPART C: GENERAL REVIEW CRITERIA APPLICABLE TO ALL  
PROJECTS OTHER THAN DISCONTINUATION

Section  
1110.210 Introduction  
1110.220 Definitions--General Review Criteria  
1110.230 General Review Criteria  
1110.240 Mergers, Consolidations and Acquisitions

SUBPART D: REVIEW CRITERIA RELATING TO ALL PROJECTS INVOLVING  
ESTABLISHMENT OF ADDITIONAL BEDS OR SUBSTANTIAL CHANGE  
IN BED CAPACITY

Section  
1110.310 Introduction  
1110.320 Bed Related Review Criteria

SUBPART E: MODERNIZATION REVIEW CRITERIA

Section  
1110.410 Introduction  
1110.420 \*Modernization Review Criteria\*

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SUBPART F: CATEGORY OF SERVICE REVIEW CRITERIA--  
MEDICAL/SURGICAL, OBSTETRIC, PEDIATRIC AND INTENSIVE CARE

Section  
1110.510 Introduction  
1110.520 Medical/Surgical, Obstetric, Pediatric and Intensive  
Care--Definitions  
1110.530 Medical/Surgical, Obstetric, Pediatric and Intensive Care--Review  
Criteria

SUBPART G: CATEGORY OF SERVICE REVIEW CRITERIA--  
COMPREHENSIVE PHYSICAL REHABILITATION

Section  
1110.610 Introduction  
1110.620 Comprehensive Physical Rehabilitation--Definitions  
1110.630 Comprehensive Physical Rehabilitation Beds--Review Criteria

SUBPART H: CATEGORY OF SERVICE REVIEW CRITERIA--ACUTE  
MENTAL ILLNESS

Section  
1110.710 Introduction  
1110.720 Acute Mental Illness--Definitions  
1110.730 Acute Mental Illness--Review Criteria

SUBPART I: CATEGORY OF SERVICE REVIEW CRITERIA--SUBSTANCE ABUSE

Section  
1110.810 Introduction  
1110.820 Substance Abuse--Definitions  
1110.830 Substance Abuse--Review Criteria

SUBPART J: CATEGORY OF SERVICE REVIEW CRITERIA--  
NEONATAL INTENSIVE CARE PERINATAL-HIGH-RISK

Section  
1110.910 Introduction  
1110.920 Neonatal Intensive Care Neonatal-High-Risk--Definitions  
1110.930 Neonatal Intensive Care Perinatal/High-Risk--Review Criteria

SUBPART K: CATEGORY OF SERVICE REVIEW CRITERIA--BURN TREATMENT

Section  
1110.1010 Introduction  
1110.1020 Burn--Definitions  
1110.1030 Burn Treatment--Review Criteria



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SUBPART L: CATEGORY OF SERVICE REVIEW CRITERIA--  
THERAPEUTIC RADIOLOGY

Section  
1110.1110 Introduction  
1110.1120 Therapeutic Radiology--Definitions  
1110.1130 Therapeutic Radiology--Review Criteria

SUBPART M: CATEGORY OF SERVICE REVIEW CRITERIA--  
OPEN HEART SURGERY

Section  
1110.1210 Introduction  
1110.1220 Open Heart Surgery--Definitions  
1110.1230 Open Heart Surgery--Review Criteria

SUBPART N: CATEGORY OF SERVICE REVIEW CRITERIA--CARDIAC  
CATHETERIZATION

Section  
1110.1310 Introduction  
1110.1320 Cardiac Catheterization--Definitions  
1110.1330 Cardiac Catheterization--Review Criteria

SUBPART O: CATEGORY OF SERVICE REVIEW CRITERIA--CHRONIC RENAL DIALYSIS  
END-STAGE-RENAL-DISEASE

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1110.1410 Introduction  
1110.1420 Chronic Renal Dialysis End-Stage-Renal-Disease--Definitions  
1110.1430 Chronic Renal Dialysis End-Stage-Renal-Disease--Review Criteria

SUBPART P: CATEGORY OF SERVICE REVIEW CRITERIA--NON-HOSPITAL  
BASED AMBULATORY SURGERY

Section  
1110.1510 Introduction  
1110.1520 Non-Hospital Based Ambulatory Surgery--Definitions  
1110.1530 Non-Hospital Based Ambulatory Surgery--Projects Not Subject to This  
Part  
1110.1540 Non-Hospital Based Ambulatory Surgery--Review Criteria

SUBPART Q: CATEGORY OF SERVICE REVIEW CRITERIA--COMPUTER SYSTEMS

Section  
1110.1610 Introduction (Repealed)  
1110.1620 Computer Systems--Definitions (Repealed)  
1110.1630 Computer Systems--Review Criteria (Repealed)

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SUBPART R: CATEGORY OF SERVICE REVIEW CRITERIA--GENERAL  
LONG-TERM CARE

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1110.1710 Introduction  
1110.1720 General Long-Term Care--Definitions  
1110.1730 General Long-Term Care--Review Criteria

SUBPART S: CATEGORY OF SERVICE REVIEW CRITERIA--SPECIALIZED  
LONG-TERM CARE

Section  
1110.1810 Introduction  
1110.1820 Specialized Long-Term Care--Definitions  
1110.1830 Specialized Long-Term Care--Review Criteria

SUBPART T: CATEGORY OF SERVICE REVIEW CRITERIA--  
MAGNETIC RESONANCE

Section  
1110.1910 Introduction  
1110.1920 Magnetic Resonance--Definitions  
1110.1930 Magnetic Resonance--Review Criteria

SUBPART U: CATEGORY OF SERVICE REVIEW CRITERIA--HIGH LINEAR  
ENERGY TRANSFER (L.E.T.)

Section  
1110.2010 Introduction  
1110.2020 High Linear Energy Transfer (L.E.T.)--Definitions  
1110.2030 High Linear Energy Transfer (L.E.T.)--Review Criteria

SUBPART V: CATEGORY OF SERVICE REVIEW CRITERIA--POSITRON  
EMISSION TOMOGRAPHIC SCANNING (P.E.T)

Section  
1110.2110 Introduction  
1110.2120 Positron Emission Tomographic Scanning (P.E.T.)--Definitions  
1110.2130 Positron Emission Tomographic Scanning (P.E.T.)--Review Criteria

SUBPART W: CATEGORY OF SERVICE REVIEW CRITERIA--EXTRACORPOREAL  
SHOCK WAVE LITHOTRIPSY

Section  
1110.2210 Introduction  
1110.2220 Extracorporeal Shock Wave Lithotripsy--Definitions  
1110.2230 Extracorporeal Shock Wave Lithotripsy--Review Criteria



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SUBPART X: CATEGORY OF SERVICE REVIEW CRITERIA--EXTRA-RENAL  
ORGAN TRANSPLANTATION

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| Section   | Introduction   |
| 1110.2310 | Selected <del>Extra-Renal</del> Organ Transplantation--Definitions     |
| 1110.2320 | Selected <del>Extra-Renal</del> Organ Transplantation--Review Criteria |
| 1110.2330 | Selected <del>Extra-Renal</del> Organ Transplantation--Review Criteria |

## SUBPART Y: CATEGORY OF SERVICE REVIEW CRITERIA--KIDNEY TRANSPLANTATION

|           |   |
|-----------|---|
| Section   | Introduction                            |
| 1110.2410 | Kidney Transplantation--Definitions     |
| 1110.2420 | Kidney Transplantation--Review Criteria |
| 1110.2430 | Kidney Transplantation--Review Criteria |

APPENDIX A Medical Specialty Eligibility/Certification Boards  
APPENDIX B State and National Norms on Square Footage by Department  
APPENDIX C Statutory Citations for All State and Federal Laws and Regulations Referenced in Chapter 3

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1151 et seq.).

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 18498; amended at 9 Ill. Reg. 3734, effective March 6, 1985; amended at 11 Ill. Reg. 7333, effective April 1, 1987; amended at 12 Ill. Reg. 16099, effective September 21, 1988; amended at 13 Ill. Reg. 16078, effective September 29, 1989; emergency amendments at 16 Ill. Reg. 13159, effective August 4, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 16108, effective October 2, 1992.

## SUBPART A: GENERAL APPLICABILITY AND PROJECT CLASSIFICATION

## Section 1110.20 Projects Required to Obtain a Permit (Repealed)

A-permit--is--required--if--a--proposed--project-meets-one-or-more-of-the following-review-thresholds:

- a) 1) The-proposed project-requires--a--total--capital--expenditure--in excess-of-the-capital-expenditure-minimum.
- 2) In--general--all-costs-or-amounts-which-under-generally-accepted

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accounting-practices-would-be-capitalized-are-to-be-counted--For buildings-or-equipment-to-be-acquired-by-lease-or-gift--the dollar-value-shall-be-the-cost-that-would-be-required-for purchase.

- b) 1) The-proposed-project "Substantially-Changes-the-Scope-Of--Changes the-Functional-Operation-of-the-Facility".
- 2) An-application-for-permit-is-required-for-all-or-such-part-of construction--modernization--or--modification--projects--of facilities-which-substantially-change-or-alter-the-scope-or change--the-functional-operation-of-the-facility-as-defined-in-77 Ill.-Adm.-Code-1100-220--("Substantially-Changes-the-Scope-or Changes-the-Functional-Operation-of-the-Facility") even-if-the attendant-capital-expenditure-is-less-than-the-original expenditure-minimum.

- c) 1) The-proposed-project "Substantially-Changes-the-Bed-Count-Of-A Health-Care-Facility".
- 2) An-application-for-permit-is-required-for-all-or-such-parts-of construction--or--modification--projects--of-facilities-providing categories-of--service--inventoried--in--this--Part--which substantially-change-the-bed-capacity-of-the-health-care-facility as-defined-in-77-III-Adm-Code-1100-220--("Substantially-Changes the-Bed-Count-Of-A-Health-Care-Facility").--It-should-be-noted that-daily-or-seasonal-fluctuations--in-bed-compliment-do-not constitute-a-change-in-bed-capacity-and-are-not-subject-to-this Subchapter.

- 3) A-permit-is-required-even-if-the-attendant-capital-expenditure-is less-than-the-capital-expenditure-minimum-or-if-there-is-not-a capital-expenditure.
- d) 1) The-proposed-project-involves-"Discontinuation".
- 2) "Discontinuation-of-a-health-care-facility--in-whole-or-in-part is-included-in-the-definition-of-"Construction-or-Modification". An-application-for-permit-is-required-for-"Discontinuation"-of-a facility--a-category-of-service-or-ten-beds-in-a-service-over-a two-year-period-unless-that-"discontinuation"-is-the-result-of revocation-of-license-or-denial-of-licensed-renewal-by-a-state-or local-regulatory-body.

- 3) A-permit-is-required-even-if-the-attendant-capital-expenditure-is less-than-the-capital-expenditure-minimum-or-if-there-is-not-a capital-expenditure.
- e) 1) The-proposed-project-involves-the-acquisition-of-major-medical equipment-as-defined-in-77-III-Adm-Code-1100-220--("Major Medical-Equipment") unless-an-exemption-has-been-granted-for-such acquisition-under-the-provisions-of-77-III-Adm-Code-1160-Of-the Rules-of-the-State-Board.



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- 2) A permit is required if the attendant capital expenditure is greater than the capital expenditure minimum or when the acquisition of such equipment constitutes the establishment of a category of service regardless of project cost.
- f) The proposed project involves a change in the ownership of the facility unless an exemption has been granted for such change of ownership under the provisions of 77 Ill. Adm. Code 1160 of the Rules of the State Board.
- 2) A permit is required for change of ownership if the attendant capital expenditure is less than the capital expenditure minimum or if there is not a capital expenditure.

(Source: Repealed at 16 Ill. Reg. 16108, effective October 2, 1992)

## Section 1110.30 Processing and Reviewing Applications

- a) The procedures for processing all applications for permit are specified in 77 Ill. Adm. Code 1130 1160 (Health Facilities Planning Procedural Rules Processing an Application for Permit and Validity of Permits).
- b) All applications will be reviewed and evaluated on an individual basis in order to determine compliance with all applicable general review criteria found in Parts 1110 and 1120 in effect at the time the application is deemed complete and applicable specific review criteria which relate to the scope of the proposed project.
- c) This Subchapter is to be revised at least annually. Applications for permit for establishment, construction or modification shall be reviewed under the Edition of this Subchapter in effect at the time that such applications are received by the State Agency. These provisions do not apply to the need figures established in the inventory appendices to this Part.
- cd) Applications for permit shall be subject to which involve the establishment, addition or reduction of beds shall be reviewed to determine compliance with the need figures set forth in the update to the inventory (refer to Section 1100.70) made most recently for the month prior to the date the any State Board takes action on the application. "State Board action" for the purposes of this subsection, "State Board action" includes the is defined as any of the following: the approval, issuance of a notice of intent to deny or denial of an application by the State Board.
- d) All applications are subject to public hearing requirements under Section 8 of the Act. All evidence submitted pursuant to the provisions of Part 1200 on an application shall be taken into account in the determination of compliance or noncompliance of an application with specific review criteria. The State Agency shall utilize such evidence in its preparation of findings.

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(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)

## Section 1110.40 Classification of Projects

When an application for permit has been received by the State Board Agency, the Executive Secretary shall classify the project into one of the following classifications:

- a) Substantive Review Classification
- Projects subject to substantive review are those construction modification or equipment projects neither in total or in part for proposed or existing facilities or equipment that provide or intend to provide categories of service as designated in Sections of this Subchapter. All projects of existing or proposed facilities subject to review under this Subchapter shall be classified "substantive" unless they are found to be "non-substantive" or "emergency" projects as delineated in subsection (b) or (c) below.
- ab) Emergency Classification
- 1) Emergency projects are subject to the review process and are those construction or modification projects which are necessary because there exists one or more of the following conditions:
- An imminent threat to the structural integrity of the building; or
  - An imminent threat to the safe operation and functioning of the mechanical, electrical, or comparable systems of the building.
- 2) Since the State Board recognizes that applications for emergency "Emergency" projects must be processed as expeditiously as possible, all applications will be reviewed in accordance with the following review criteria:
- That the project is indeed an emergency "Emergency" project as defined in subsections (b)(1)(A) or (B) above; and
  - That failure to proceed immediately with the project would result in closure or impairment of the inpatient operation of the facility; and
  - That the emergency "Emergency" conditions did not exist longer than 30 days prior to requesting the emergency "Emergency" classification.
- bc) Non-Substantive Review Classification. Non-substantive projects are those establishment, construction, modification or equipment projects in total which consist solely of have the following characteristics detailed in this subsection. Applications shall be evaluated only against the review criteria set forth below.
- 1) Emergency Conservation
- Projects for "Emergency Conservation" provided that:
    - The proposed project is seeking funding under P.B. 95-6197, the National Energy Conservation Policy Act (42 U.S.C. 300 et seq.);



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- 1) The sole purpose and content of the proposed project is for "Energy Conservation"; and
- 2) The proposed project has been recommended for funding by the Illinois Department of Energy and Natural Resources;
- 3) Such projects shall address and be reviewed under Review Criteria Sections 110.230 (e), (f), and (g); and 110.420(b);
- 4) Projects for modernization of an existing facility for the purposes of eliminating or preventing imminent safety hazards as defined by federal, state, or local fire building or life safety codes or regulations, complying with State licensure standards, or complying with accreditation or certification standards, which must be met to receive reimbursement under Title XVIII of the Social Security Act (42 U.S.C. 1395) or payments under a State plan for medical assistance approved under Title XIX of that Act (42 U.S.C. 1396); the State Board shall approve such projects providing that such projects meet the Review Criteria outlined in Sections 110.230 (e), and (f); and 110.420(a), (b), and (c);
- 5) Children and Family Service Projects
- A) Projects for facilities licensed by the Illinois Department of Children and Family Services which are currently providing long-term care services and are seeking licensure by the Department of Public Health pursuant to the Nursing Home Care Act (Ill. Rev. Stat. 1907, ch. 111-1/2, pars. 4151-4161 et seq.) as now or hereafter amended, provided that:
- i) There is not a capital expenditure in excess of the capital expenditure minimum;
- ii) There is not a "Substantial Change in Bed Count";
- iii) There is not a "Substantial Change in the Scope or Functional Operation of the Facility";
- B) Such projects shall address and be reviewed under all Review Criteria contained in Section 110.230;
- 6) Discontinuation
- A) Projects for "Discontinuation" as defined in Section 110.1207-1f;
- i) The discontinuation does not create a need for additional beds in the planning area in which the facility is located; or
- ii) The project is for the "total Discontinuation" of a distinct unit of 5 beds or less;
- B) Such projects shall address and be reviewed under Review Criteria in Section 110.130;
- 5) Projects solely for the Sheltered Care Category of Service:
- Such projects shall address and be reviewed under all Review Criteria contained in Section 110.230;

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- 6) Change in Ownership
- A) Projects involving a change in ownership, provided that:
- i) There is not a capital expenditure in excess of the capital expenditure minimum;
- ii) There is not a "Substantial Increase in Bed Count";
- iii) There is not a "Substantial Change in the Scope or Functional Operation of the Facility";
- B) Such projects shall address and be reviewed under all Review Criteria contained in Section 110.230;
- 7) Projects for the acquisition of major medical equipment which will be utilized for the treatment of inpatients and which do not establish a category of service. Such projects shall address and be reviewed under all Review Criteria contained in Section 110.230 and the appropriate category of service. Specific criteria:
- 8) Projects for the establishment of Intermediate Care Facilities for the Developmentally Disabled of Fifteen (15) Beds or less. Such projects shall address and be reviewed under the Review Criteria contained in Section 110.230 (a), (b), (d), (e), (f), (g), (h), and (i). In addition, the Review Criteria contained in Section 110.230 (a) and Section 110.1830(b), (c), and (d) must also be addressed;
- 9) Projects for the establishment of the "Acute Care Beds-Certified for Extended Care" Category of Service provided that facilities proposing to establish this Category of Service meet the requirements of regulations for such usage as developed by the Health Care Financing Administration (42 CFR 405.471(1987)). Such projects shall address and be reviewed under all Review Criteria contained in Section 110.230;
- 10) Developmentally Disabled Licensure
- A) Projects for those facilities currently licensed for "General Long-Term Care" but having a defined population of "Developmentally Disabled" residents which have been mandated by the Department of Public Health to seek either total or "distinct part" licensure as an intermediate care facility for the developmentally disabled (ICF/BID) facility, provided that:
- i) There is not a capital expenditure in excess of the capital expenditure minimum;
- ii) There is not a "Substantial Change in Bed Count";
- B) Such projects shall address and be reviewed under all Review Criteria contained in Section 110.230;
- 11) Projects for establishment of a new ESRD facility, the expansion of an existing facility or the relocation of an existing ESRD (End-Stage Renal Disease) service from one physical site to another. Such projects shall address and be reviewed under all Review Criteria contained in Section 110.230 and the appropriate category of service specific criteria.



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- 12) Residential-Units-and-Apartments  
A) Residential-units-and-apartments-not-classified-as long-term-care-categories-of-service-and-not-subject-to licensure-pursuant-to-the-Nursing-Home-Care-Act-as amended;
- B) Such-projects-shall-address-and-be-reviewed-under-all-Review Criteria-contained-in-Section-1110-230;
- 13) Projects-which-have-all-the-following-characteristics:  
A) Consist-entirely-of-construction-or-modification-in-the following-areas:

| Applicable Project Type  | Review Criteria  |
|--|--|
| Establishment of long-term care facilities licensed by the Department of Children and Family Services  | Section 1110.230 and Parts 1120, 1230 or 1240 as applicable  |
| Discontinuation of beds or category of service   | Section 1110.130 and Parts 1120, 1230 or 1240 as applicable  |
| Developmentally Disabled Categories of Service   | Section 1110.230(a), (b), (c), (d), (e), (f), (g), Section 1110.320(a), Section 1110.1830(b), (c), (d); and Parts 1120, 1230 or 1240 as applicable |
| Acute Care Beds Certified for Extended Care Category of Service as defined by the Health Care Financing Administration (42 CFR 405.471 (1987)) | Section 1110.230(a), (c), (g) and Parts 1120, 1230 or 1240 as applicable   |
| Chronic Renal Dialysis Category of Service   | Section 1110.230(a), (b), (c), (d), (e), (g); Part 1110.1430; and Parts 1120, 1230, or 1240 as applicable  |
| Residential units and apartments   | Section 1110.230(a), (b), (c), (d), (e), (f), (g) and Part 1120, 1230 or 1240 as applicable  |

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| Computers   | Section 1110.230(e), (g); Section 1110.420(b); and Part 1120, 1230 or 1240 as applicable                       |
| Projects intended solely to provide care to patients suffering from Acquired Immunodeficiency Syndrome (AIDS) or related disorders such as AIDS Related Complex (ARC) | Section 1110.230; Section 1110.320; Section 1110.420; and Part 1120, 1230 or 1240 as applicable                |
| Projects to comply with Life Safety Code requirements   | Section 1110.230(e) and (g); Section 1110.420(a) and (b); and Parts 1120, 1230 or 1240 as applicable           |
| Parking Facilities  | Section 1110.230(g) (f) and (e) and Section 1110.420(b) Subpart-B  |
| Restaurants, cafeterias, snack bars and all other non-patient dining areas  | Section 1110.230(g) (f) and (e); and Section 1110.420(b); and Parts 1120 Subpart-B, 1230 or 1240 as applicable |
| Chapels   | Parts 1120 Section 1110-230 (f)-(g) and (m), 1230 or 1240 as applicable  |
| Telephone systems   | Parts 1120 Section-1110-230 (f)-(g) and (m) and Subpart-B, 1230 or 1240 as applicable                          |
| Administration and volunteer offices  | Section 1110.230 (e)-(f) and (g) (f) and Parts 1120, 1230 or 1240 as applicable Subpart-B                      |
| Giftshops and newsstands  | Parts 1120, 1230 or 1240 as applicable Section 1110-230(f)-(g) and (f)   |



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Auditoriums, student housing and classrooms;

Parts 1120, 1230 or 1240 as applicable  
1110.230(f); and (g); and Subpart-B

Modernization of structural components (roof replacement, housing and classrooms, masonry work, etc.);

Section 1110.230(g); and (f); and Subpart-B; and Parts 1120, 1230 or 1240 as applicable

Boiler repair or replacement (does not include boiler plant);

Section 1110.230 (e); and (f); and (g); and Section 1110.420(b); and Parts 1120, 1230 or 1240 as applicable Subpart-B

Conversion of inpatient beds from an area of excess beds to meet an expressed need provided that such conversion does not result in either the establishment or discontinuation of a category of service;

Section 1110.230 (e); and (f); and (g); and Section 1110.420(b); and Parts 1120, 1230 or 1240 as applicable Subpart-B

Replacement of equipment with comparable equipment to be utilized for a similar purpose;

Section 1110.230 (e); and (f); and (g); and Section 1110.420(b); and Subpart-B; and Parts 1120, 1230 or 1240 as applicable

Loading docks;

Parts 1120, 1230 or 1240 as applicable Section 1110.230 (f); and (g); and Subpart-B

Capitalized projects which are considered basically maintenance such as carpeting, tile replacement or furniture purchaser

Section 1110.230 (g); and (f); and (g); and Section 1110.420(b); and Parts 1120, 1230 or 1240 as applicable Subpart-B

Section 1110.55 Recognition of Non-hospital Based Ambulatory Surgery Category of Service

(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)



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- a) Due to proposed revisions in 77 Ill. Adm. Code Section 205.110 of the Agency's licensure standards for ambulatory surgical treatment centers (effective November 1, 1989), the State Board shall recognize the existence of the non-hospital based ambulatory surgery category of service for unlicensed facilities which become subject to such licensure requirements if the following documentation is submitted to the State Board:
- 1) verification Verification that outpatient surgery had been performed at the facility prior to January 1, 1989; and
  - 2) verification Verification that due to revisions in 77 Ill. Adm. Code Section 205.110, effective November 1, 1989, the facility must obtain a license as an ambulatory surgical treatment center; or and

- 3) verification Verification that the facility was certified for reimbursement under Title XVIII of the Social Security Act (42 U.S.C.A. 1395x) for ambulatory surgery on or before January 1, 1989.

- b) 4) Documentation must be in the form of copies of medical records indicating the date of performance of surgical procedures at the facility, letter(s) from the Agency's licensure program stating that a license must be obtained, or and a copy of the approval letter for participation in Title XVIII.

- c) b) Recognition by the State Board of the non-hospital based ambulatory surgery category of service exempts the facility from the requirement of obtaining a permit for establishment of a health care facility and establishment of the service. Such exemption shall be valid and remain in effect provided that the following requirements are met:

- 1) the procedures and scope of services provided at the facility remain restricted to the medical specialty(ies) (e.g. podiatry, ophthalmology, plastic surgery) in operation on or before January 1, 1989; and
- 2) the facility has obtained a license from the Agency no later than January 1, 1991; and
- 3) the facility has petitioned the State Board for recognition of the service no later than 90 days after the effective date of the revisions to Part 205.110.

- d) e) Upon issuance of a license by the Agency, the ambulatory surgical treatment center shall be is subject to the provisions of the Act regarding subsequent transactions which require permit. Failure to comply with any of the requirements of Section 205.52(b) 205.55(b) or subsequent discontinuation of the facility will void the recognition and exemption, and a permit will be required to establish the category of service.

- e) d) The provisions provision of this Section became effective November 1, 1989 shall take effect upon the effective date of revisions to Section 205.110.

(Source: Amended at 16 Ill. Reg. 16108, effective

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Section 1110.230 General Review Criteria

- a) "Location"--Review Criterion Criteria

- 1) The applicant must document that the primary purpose of the proposed project will be to provide care to the residents of the planning area in which the proposed project will be physically located. Documentation shall consist of market studies of the area indicating the characteristics of the population to be served.

- 2) The applicant must document that the location selected for a proposed project will not create a maldistribution of beds and services within the planning area. Maldistribution is typified by such factors as excessive travel time to reach services, unusual patient migration patterns and excessive physical distance to alternative providers. Documentation shall consist of location and travel times to other providers, population concentrations within the planning area and proposed market for service.

Any proposed project excluding those projects for the replacement of equipment) must demonstrate that its primary purpose and intent is to serve the population of the planning area (as defined in 77 Ill. Adm. Code 1100.220 "Planning Area") in which it will be physically located (unless entitlement to a variance is claimed) and that its location will not result in a maldistribution of facilities or services in assessing whether or not a maldistribution of facilities exists, the State Board will evaluate such factors as (but not necessarily limited to) accessibility, patient flow pattern, travel time and distance to existing facilities or services.

- b) "Ancillary and Supporting Services"--Review Criterion Criteria. The applicant must document that the scope and size of all ancillary and support services related to the proposed project comply with the Agency's licensure requirements. Documentation shall consist of a summary of all ancillary and support services and a comparison of existing size or proposed size to licensure requirements document that all related, ancillary or supporting services are adequate to support the proposed project and to meet the Agency's licensing requirements.

- c) "Staffing"--Review Criterion Criteria

The proposed project must document:

- 1) All applicants must document: That the supply of manpower currently available in the area is sufficient to meet the health service needs in that area. Documentation should include, but is not limited to, letters of verification from other health facilities and organizations in the area, including any surveys done by such facilities and organizations on manpower availability; and
- 2) Any applicant proposing a Long-Term Care Category of Service must document:



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- A) An adequate supply of health manpower exists within the planning area. Documentation shall consist of evidence that less than 20% of area facilities have been cited for staffing deficiencies by the Department of Public Health in its licensure inspections over the last two year period; and
- B) That the required staffing levels under applicable licensure and Title XVIII/Title XIX certification will be met.

1) That it will have adequate staffing in terms of number (full-time equivalents) and positions (professional, technical, and non-professional) to meet the applicable licensure requirements and/or other applicable regulations as developed by the Illinois Department of Public Health or any other State or Federal agencies; and

2) That the supply of manpower currently available in the area is sufficient to meet the health service needs in that area. Documentation should include but is not limited to letters of verification from other health facilities and organizations in the area, including any surveys done by such facilities and organizations on manpower availability.

- d) "Background of Applicant"--Review Criterion Extertia. When the applicant or proposed operator of the proposed project are operating or have operated health care facilities previously, the applicant must document compliance with licensure requirements. Documentation must show an absence of two or more serious violations in each facility operated during the last five years. Serious violation means a type A or type B violation pursuant to 77 Ill. Adm. Code 300, 330, 350, or 390, in a long-term care facility licensed by the Department. In other facilities serious violation means an action taken to repeal licensure or certification. Each history of operation must contain: all citations for operational deficiencies, any suspension or termination action, any contested licensure action and the outcome of all such actions.

The proposed project's owners and/or operators must document that they will provide a proper standard of health care service for the community.

- 1) For proposed projects whose owners and/or operators are operating or have operated health facilities in Illinois, documentation must be provided as to the degree of compliance the existing or previously operated facilities have had with state licensing and/or other applicable standards including quality of care considerations. Projects for facilities which have been deemed by licensure authority not to be substantially in compliance with licensing standards over the latest 2-year period for which data is available shall not be in conformity with this Review Criterion. For proposed projects whose owners and/or operators have not operated facilities in Illinois, documentation must be provided regarding the qualification and background of the applicant to meet the Agency's requirements for licensure.

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- e) "Alternatives to the Proposed Project"--Review Criterion Extertia. The applicant must document that the proposed project is the most effective or least costly alternative. Documentation shall consist of a comparison of the proposed project to alternative options. Such a comparison must address issues of cost, patient access and financial benefits in both the short and long-term. Alternatives must include but are not limited to: purchase of equipment, leasing or utilization (by contract or agreement) of other facilities, development of freestanding settings for service and alternate settings within the facility.

No project shall be approved unless:

- 1) The availability of less costly or more effective alternative methods of providing the services have been explored and found to be non-feasible. Such alternatives include purchase, leasing or utilization (by contract or agreement) of other facilities currently existing in the planning or service area, and in the case of facilities or services to be provided by the proposed project, the efficiency and appropriateness of the use of existing services, space and facilities similar to those proposed shall be evaluated including projects presently under construction or by projects which have a valid permit granted by the State Board; and
- 2) The services to be provided by the proposed project could not be provided by the utilization, expansion and/or development of alternatives which foster competition.

- f) Need for the Project--Review Criterion. The project must be needed.
- 1) If the State Board has determined need pursuant to Part 1100, the proposed project shall not exceed additional need determined unless the applicant meets the criterion for a variance.

2) If the State Board has not determined need pursuant to Part 1100, the applicant must document that it will serve a population group in need of the services proposed and that insufficient service exists to meet the need. Documentation shall include but not be limited to:

- A) area market studies (which evaluate population trends and service use factors);
- B) calculation of need based upon models of estimating need for the service (all assumptions of the model and mathematical calculations must be included);

C) historical high utilization of other area providers; and

D) identification of individuals likely to use the project.

- g) Size of project--Review Criterion. The applicant must document that the size of a proposed project is appropriate.

1) The proposed project cannot exceed the norms for project size found in Appendix B of this Part unless the additional square footage beyond the norm can be justified by one of the following:

- A) the proposed project requires additional space due to the scope of services provided;



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- B) the proposed project involves an existing facility where the facility design places impediments on the architectural design of the proposed project;
- C) the proposed project involves the conversion of existing bed space and the excess square footage results from that conversion; or
- D) the proposed project includes the addition of beds and the historical demand over the last five year period for private rooms has generated a need for conversion of multiple bed rooms to private usage.
- 2) When the State Board has established utilization targets for the beds or services proposed, the applicant must document that in the second year of operation the annual utilization of the beds or service will meet or exceed the target utilization. Documentation shall include, but not be limited to, historical utilization trends, population growth, expansion of professional staff or programs (demonstrated by signed contracts with additional physicians) and the provision of new procedures which would increase utilization.
- f) "Relationship-of-the-Proposed-Project-to-the-State-Health Plan"-Review-Criteria  
All-projects-shall-be-reviewed-to-determine-the-project's-consistency with-the-stated-goals-and-objectives-of-the-State-Health-Plan-(SHP) unless-the-proposed-project-has-been-classified-under-the-emergency classification-pursuant-to-Section-1110-40:  
"Energy-Conservation"-Review-Criteria  
The-applicant-must-indicate-the-extent-to-which-the-project-will result-in-the-conservation-of-energy;  
"Professional-and-Physician-Education-Programs"-Review-Criteria  
The-applicant-must-address-the-impact-of-the-proposed-project: relative-to-the-clinical-training-needs-of-health-professional schools;-and-relative-to-existing-and-proposed-institutional education-programs-for-doctors-of-osteopathy-and-medicine-at-the student-internship;-and-residency-training-levels;
- g) "Scope-and-Size-of-Project"-Review-Criteria  
The-applicant-must-document-that-the-population-served-or-to-be-served by-a-proposed-project-is-in-need-of-the-services-to-be-provided.-Such documentation-must-establish-the-need-for-the-services-and-also-the need-for-the-proposed-project-(scope-size)-in-relation-to-the-stated needs-of-the-population-served;  
"Biomedical-and-Behavioral-Research-Projects"-Review-Criteria  
The-applicant-must-indicate-the-extent-to-which-the-project-will-meet national-needs-in-regard-to-biomedical-and-behavioral-research-and what-local-conditions-exist-that-offer-special-advantages-in-meeting-a national-need-through-the-proposed-project;
- k) "Medically-Underserved-Groups-and-Access"-Review-Criteria  
i) Each-reviewing-agency-must-address-how-the-proposed-project relates-to-meeting-the-needs-of-the-population-of-the-planning

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- area-including-members-of-medically-underserved-groups--such-as low-income-persons--races-and-ethnic-minorities--women handicapped-persons--the-elderly-and-other-underserved-groups:
- 2) The-applicant-must-address-the-following:
- A) the-relationship-of-the-proposed-project-with-stated-goals and-objectives-of-the-HSP-AIP-and-State-Health-Plan-which specifically-address-the-need-for-services-by-medically underserved-groups;
- B) the-proposed-project-will-be-utilized-to-meet-the-needs-of medically-underserved-groups-where-there-exists-a-need-for such-services-by-the-medically-underserved-population-of-the area;
- C) the-applicant-must-document-the-facility's-performance-in meeting-its-obligations-under-all-applicable-Federal regulations-requiring-the-provision-of-uncompensated-care community-service-or-access-by-minorities-and-handicapped persons-to-programs-receiving-Federal-financial-assistance (including-the-existence-of-any-civil-rights-access complaints-against-the-applicant);
- B) the-extent-to-which-Medicaid-and-Medicare-and-medical indigent-patients-are-served-by-the-applicant-facility;
- E) the-extent-to-which-the-applicant-offers-a-range-of-means-by which-a-person-will-have-access-to-its-services-(e.g. outpatient-admission-by-house-staff-admission-by-personal physician);
- F) the-existence-of-barriers-in-the-delivery-system (transportation-language-financial-etc.)-which-impact-on the-medically-underserved-population--the-applicant-must document-the-manner-and-extent-to-which-the-proposed-project will-reduce-or-eliminate-those-barriers;
- i) "Non-Conformity"-Review-Criteria  
Facilities-with-structural-deficiencies-involving-fire-resistiveness and-fire-safety-factors-shall-detail-the-proposed-plan-of-correction for-such-deficiencies;
- hm) "Medical Education"-Review-Criteria  
1) If the project proposed by-an-applicant is designed to meet the health education or related research needs of the facility, the applicant must document the following:  
A) that the proposed project would assist the facility in meeting its research or educational needs for related residency programs. Documentation must indicate can-include statements that accreditation would be lost without the proposed project and that current space is insufficient to meet projected teaching needs;  
B) that the proposed project will not have an adverse impact on community facilities within the planning area and that such community facilities support the project. Documentation shall consist of letters from non-teaching community



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hospitals in the planning area indicating support for the project or indicating that the proposal will have no adverse impact on the utilization of their services;

- c) how the proposed project compares in function and design to similar programs in other teaching hospitals in Illinois and nationally. Documentation shall consist of detailed comparisons of volume requirements and square footage needs in similar institutions both in Illinois and nationally; and
- d) that the facility is unable to meet its teaching or related research needs through the use of existing resources. Documentation shall consist of: statements concerning the inability to utilize vacant or under utilized areas of the applicant facility; and statements detailing any prohibitive reasons for not utilizing space in other facilities to provide the proposed project.

- 2) This criterion shall not be the sole basis for approval of a project and cannot be used to justify the creation of a new health care facility.

(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)

Section 1110.240 Mergers, Consolidations and Acquisitions

- a) Introduction. The review criteria contained in this Section are designed to evaluate the impact on the health care system for applicants for permit involving mergers, consolidations or acquisition/change of ownership. These criteria are in addition to other applicable criteria.
- b) Impact Statement--Review Criterion. The applicant must submit an impact statement which details any proposed changes in the beds or services currently offered, who the anticipated operating entity will be, the reason for the transaction, any anticipated additions or reductions in employees, and a cost/benefit analysis of the transaction. The statement must reflect at least a two-year period following the date of the merger, acquisition or consolidation.
- c) Access--Review Criterion. The applicant must document any changes which may result in the restriction of patient admissions and document that no reductions in access to care will result from the transaction. Documentation shall consist of a written certification that the admission policies of the facilities involved will not become more restrictive and the submission of both the current formal admission policies of all institutions involved and the anticipated policy following completion of the project.

d) Health Care System--Review Criterion

- 1) The applicant must document that:
- A) the applicant's care system will not restrict the use of other area care providers; or

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- B) the project improves access to services previously unavailable in the community because of the structure of the applicant's care system.

- 2) Documentation must detail the current and proposed relationship with those health care or health related organizations which are to be owned (in whole or in part), affiliated, operated, or under management contract with the applicant and provide the following:
- A) all care system service providers and services offered including location, types of services, number of beds, and utilization levels for provided services over the last 12-month period; and

- B) the proposed relationship of the project to the care system. Data should include where referrals for categories of service not available at the proposed project will be made, how duplication of services will be resolved, time and travel factors involving referrals within the care system and any organization policies concerning the use of care system providers over other area providers.

(Source: Added at 16 Ill. Reg. 16108, effective October 2, 1992)

SUBPART D: REVIEW CRITERIA RELATING TO ALL PROJECTS INVOLVING  
ESTABLISHMENT OF ADDITIONAL BEDS OR SUBSTANTIAL CHANGE IN BED CAPACITY

Section 1110.320 Bed Related Review Criteria

a) "Bed-Need"--Review-Criteria

A--proposed-project--which--involves--establishment--of--beds--and/or substantial-changes-in--the--bed--capacity--of--a--facility--must--be consistent--with--the--bed-need-as-determined-by-the-Agency--unless-the applicant-satisfactorily-documents-entitlement-to-a-variance.

ab) "Establishment of Additional Hospitals"--Review Criterion Criteria. A proposed general hospital to be located within a Metropolitan Statistical Area (M.S.A.\*) must contain a minimum of 100 MS beds.

1) In-any-planning-area-(within-a-Standard-Metropolitan-Statistical Area-(S-M.S.A.))-where-a-need-of-at-least--200--additional--beds exists-no-project-to-establish-or-construct-an-additional-general hospital-of-less-than-200-beds-will-be-approved.

AGENCY NOTE: \*S-M.S.A.'s are defined and named in the U.S. Bureau of the Budget publication, Standard Metropolitan Statistical Areas: 1984 1967--fas--amended-in-1968-and-1970, available from the U.S. Government Printing Office, Washington, D.C. 20402.

- 2) The-applicant--must--document--that--the--ancillary--and-support services-to-be-provided-and-the-space-for-these-services-must--be appropriate-for-the-number-of-beds-to-be-constructed.



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- 3) in no case will a proposal to construct or establish an additional general hospital of less than 100 beds in any planning area within a Standard Metropolitan Statistical Area be approved. b) Allocation of Additional Beds--Review Criterion Criteria. The applicant proposing to establish a category of service must document that access to the service will be improved. Documentation shall consist of at least one of the following:
- 1) the proposed service is not available within the planning area;
  - 2) existing facilities have restricted admission policies resulting in access limitations;
  - 3) existing service providers are experiencing occupancy levels in excess of the category of service target levels;
  - 4) the travel time to existing service providers is excessive (exceeds 45 minutes) for area residents to be served by the project.

Additional beds must be added to existing conforming facilities providing those services unless an applicant can justify establishment of a new service by documenting improvement of distribution or accessibility of the service.

## c) Addition of Beds to Existing Facilities--Review Criterion Criteria

- 1) The applicant must document that the addition of beds is necessary. Documentation shall consist of evidence that:

- A) existing inpatient bed services over the latest 12 month period have been continually utilized at the target occupancy or higher; or
- B) when occupancy levels over that period fall below the target occupancy the services affected cannot be converted to provide the needed bed space due to architectural or programmatic considerations.

- 2) No project for the purpose of adding beds to provide a new or additional category of service or to expand an existing category of service shall be approved unless the facility has first demonstrated that all of its existing bed services are needed by being appropriately utilized at the target occupancy rate or higher based upon the latest 12 month period for which data is available for each category of service and that for those categories of service which operate below the target occupancy rate it is not architecturally or programmatic feasible to rearrange and use presently underutilized bed capacity for the proposed new category of service or expansion of an existing category of service.

- 2) The Agency will require the applicant to submit utilization data which can be utilized as a minimum to determine facility and service occupancy and length of stay.

- 23) An applicant proposing to add beds while operating an acute care service (for purposes of this subsection, acute care services means: M-S, OB, Pediatrics, ICU, Acute Mental Illness, and Burn services) must document justify the appropriateness of

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the its length of stay in existing service(s). Documentation shall consist of a comparison of patient length of stay with other providers within the planning area. If such length of stay is higher than similar services at other comparable facilities which are in the area, the Agency shall compare the average length of stay as reported by the applicant to the average length of stay of like services at other facilities of similar size and scope of services in the health planning area. Data for such comparisons shall be provided by the State Agency. An applicant whose existing service(s) has a length of stay longer than that of other area providers must document that the severity or type of illness treated at the applicant facility is greater.

## e) "Appropriate Floor Area"--Review Criteria

- 1) Any applicant proposing to add beds or establish a new category of service must document that the proposed space and floor area involved in the project is appropriate to meet the inpatient bed workload requirements.

- 2) In its consideration of what constitutes appropriate floor area the State Board will review such factors as:

- A) the gross square footage of the proposed project in comparison to state and national norms for like services; \*AGENCY-NOTE: State and national norms utilized for comparison may be found in Appendix B of this Part;
- B) the operational configuration of units as detailed in the number of private rooms versus the number of multiple bed rooms to be provided;
- C) the necessary support space needed to operate the bed area for the specific service; and
- D) the architectural design of the existing facility--if it places restraints on the proposed project;
- E) the conversion of existing inpatient rooms of sufficient size to accommodate additional beds to meet the projected bed need;
- F) if the applicant also operates or proposes to operate residential units, apartments and/or any other unlicensed units or beds that such areas are not architecturally or programmatic feasible for use in meeting projected bed need; and
- G) Proposed patient rooms are designed to accommodate the maximum number of beds allowable under licensure square footage requirements.

## f) "Utilization Review"--Review Criteria

- 1) The applicant must justify the number of beds to be added. Such justification must reflect the facility's ability to meet the construction occupancy target(s) for expanded or proposed services within two years after projected project completion date.

- 2) Such justification can include historical utilization trends



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population growth, expansion of professional staff, or programs, and new service provision or service contracts which would increase utilization.

(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)

## Section 1110.420 "Modernization Review Criteria"

a) "Modernization of Beds"--Review Criterion Criteria. The applicant must document that the number of beds proposed in each category of service affected does not exceed the number of beds needed to support the facility's utilization in each service proposed at the appropriate modernization target as found in Part 1100. (Utilization shall be based upon the latest 12 month period for which data are available.)

1) Existing facilities proposing a modernization project must document that any existing deficiencies involving fire resistiveness and fire safety factors will be corrected before or as a part of the proposed project.

2) The Agency will require the applicant to submit utilization data which can be utilized as a minimum to determine facility and service occupancy and length of stay.

3) An applicant modernizing an acute inpatient service must justify the appropriateness of its length of stay if such length of stay is higher than similar services at other comparable facilities which are in the area. The Agency shall determine if the average length of stay as reported by the applicant is consistent with the average length of stay of like services at other facilities in the planning area which are similar in size and scope of service offered.

4) No project for modernization of beds will be approved which would result in a total bed capacity for the applicable category of service being in excess of the number of beds needed to support the facility's utilization at the appropriate category of service modernization occupancy target based upon the latest 12-month period for which data is available unless the applicant can document entitlement to a variance.

b) "Modern Facilities"--Review Criterion Criteria. 1) The Each applicant must document that the proposed project meets one of the following: is necessary in order for the facility or equipment to be maintained as modern;

2) The proposed project must be judged by the reviewing agencies and found by the State Board to meet one of the following subcriteria:

A) The proposed project is needed to meet the health service requirements of the community;

1) The proposed project will result in the replacement of equipment or facilities which have deteriorated and need replacement.

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Documentation shall consist of, but is not limited to: historical utilization data, downtime or time spent out-of-service due to operational failures, upkeep and annual maintenance costs, and licensure or fire code deficiency citations involving the proposed project, or

2) The proposed project is necessary to provide expansion for diagnostic treatment, ancillary training, or other support services to meet the requirements of existing services or services previously approved to be added or expanded. Documentation shall consist of but is not limited to: historical utilization data, evidence of changes in industry standards, changes in the scope of services offered, and licensure or fire code deficiency citations involving the proposed project, or

iii) The proposed project is necessary to provide or increase capability to serve medically underserved population groups. Medically underserved population means the population of an urban or rural area that has been designated by the Secretary of the Department of Health and Human Services as an area with a shortage of personal health services or a population group designated as having a shortage of such services.

iv) The proposed project is for the sole purpose of providing or increasing capability to educate health manpower and such capability by alternative means does not exist.

B) The proposed project is necessary in order to meet code requirements of local, state or federal governments which would, if not corrected, result in revocation of license and/or other action that would result in closure, or

E) The proposed project is necessary to meet requirements for licensure, certification or accreditation which, if not undertaken, would result in a loss of accreditation or certification, or

B) The proposed project is necessary in order to meet governmental standards which, if not corrected, would result in a loss of reimbursement from third party and/or governmental reimbursement agencies.

3) In all cases, the applicant has the burden of proof. For subsections (b)(2)(B)(c) and (B) above, proof shall include the following:

A) Identification of the applicable code or accreditation requirement and the non-compliance, and

B) Identification of the governmental reimbursement or accreditation unit having authority to enforce the requirement, and

E) Proof that the governmental reimbursement or accrediting unit could take such action that loss of license or facility



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or service closure, loss of accreditation or loss of funding would occur if corrections were not made by the applicant. This must be documented in writing by the appropriate governmental reimbursement or accrediting body, and

B) Proof that the sole purpose and entire scope of the proposed project is to correct the non-compliance as cited, and

B) In the case of a physical addition to an existing facility to make such correction, that the addition is justified because:

- i) it is not architecturally, structurally, or functionally feasible to correct the non-compliance by construction or modification within the existing building; or
- ii) it is more costly to correct the existing structure taking into account immediate construction costs, long term depreciation costs and interest costs, and projected comparative maintenance and staffing costs as are relevant;

c) "Appropriate Floor Area" - Review Criteria

i) Any applicant proposing to modernize must document and justify the floor area and space requirements involved in the modernization project. The State Board will approve a project of this type only if the proposed available floor area is appropriate in relation to the workload for the service modernized;

2) In its consideration of what constitutes appropriate floor area the State Board will review such factors as:

- A) The gross square footage of the proposed project in comparison to state and national norms for like services; \*AGENCY, STATE and national norms utilized for comparison may be found in Appendix B of this part;
- B) The operational configuration of units as detailed in the number of private rooms versus the number of multiple-bed rooms to be provided;
- C) The necessary support space needed to operate the area for a specific service; and
- B) The architectural design of the existing facility, if it places restraints on the proposed project;

(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)

Section 1110.530 Medical/Surgical, Obstetric, Pediatric and Intensive Care-Review Criteria

a) "Establishment of Additional Obstetric Beds" - Review Criteria Where this Subchapter indicates an additional bed need in a planning area, such additional beds must be added to facilities currently

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providing a maternity and gynecological subservice:

ab) "Unit Size" - Review Criteria Criterion it is the policy of the State Board that the following unit-size criteria be applied:

1) Obstetrics

- A) The minimum unit size for a Within-a-Standard-Metropolitan Statistical Area (S-M-S-A) no new obstetric unit within a Metropolitan Statistical Area is shall be established under 20 beds in size.
- B) The minimum unit size for a new obstetric unit Outside outside a Standard Metropolitan Statistical Area is no new obstetric unit shall be established which will result in fewer than seven (7) beds.

2) Intensive Care: A) The recommended minimum intensive care unit size for a facility is five (5) percent of the existing medical-surgical bed capacity. B) The minimum unit size for an intensive care unit that shall be approved is four beds while the maximum unit size is ten percent of the existing medical-surgical bed capacity.

3) Pediatrics. Inside-a-Standard-Metropolitan-Statistical-Area (S-M-S-A) The minimum size for a pediatric unit within a Metropolitan Statistical Area is will be sixteen beds. A proposed project for additional beds within a Standard Metropolitan Statistical Area must result in or exceed a unit size of sixteen beds.

bc) "Variances to Computed Bed Need" - Review Criteria. The following variances are recognized by the State Board as the basis for granting approval to a project which is not in accord with computed bed need for the medical-surgical, obstetric, pediatric, and intensive care categories of service in applying for a variance: an applicant must justify the proposed number of beds by documenting that the beds will operate at an average occupancy which equals or exceeds the recommended target occupancy rate for the applicable category of service. The applicant must also document entitlement to one or more of the following:

1) High Occupancy Variance

- A) The applicant must document that the applicant facility has experienced high occupancy. Documentation shall consist of evidence that the historical annual occupancy rate has equaled or exceeded the target occupancy in each of the last two years for which data is available.
- B) The applicant must also document that the number of beds proposed will not exceed the number needed to reduce the facility's high occupancy to the target occupancy.
- A) The proposed project for additional beds involves an existing facility that has documented all of the following:
  - i) that for each of the last two years for which data is available, the yearly occupancy rate based upon bed



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- capacity--for--the--applicable--category--of--service--that--exceeds--the--recommended--target--occupancy--for--that--category--of--service--as--displayed--in--77--iii--Adm--code--1100;--Subpart--B--
- ii) that--when--feasible--under--licensing--staffing--and--architectural--considerations--low--occupancy--categories--of--service--have--been--converted--to--meet--demands--for--additional--beds--in--high--occupancy--services;
- iii) that--its--occupancy--length--of--stay--and--staffing--patterns--have--been--reviewed--and--found--to--be--appropriate--with--assurances--being--given--of--continued--review--of--subsequent--occupancy--length--of--stay--utilization--and--staffing--patterns;
- iv) that--such--consistently--high--occupancy--could--not--adequately--be--reduced--through--the--use--of--other--existing--facilities--in--the--planning--area--or--by--the--completion--of--projects--presently--under--construction--or--by--the--completion--of--projects--which--have--a--valid--permit--but--which--are--not--yet--obligated--and
- v) that--the--number--of--beds--proposed--will--not--exceed--the--amount--needed--to--reduce--the--facility's--high--occupancy--to--the--recommended--optimum--occupancy;
- B) It--is--essential--to--the--evaluation--of--this--variance--that--source--of--patient--data--be--provided--by--the--applicant--and/or--agency--for--the--immediate--geographic--area--concerned--and--for--such--additional--areas--as--are--relevant;

2) Medically Underserved Variance

- A) The applicant must document that access to the proposed service is restricted in the planning area as documented by:
- i) the absence of the service within the planning area;
- ii) limitations on governmentally funded or charity patients;
- iii) restrictive admission policies of existing providers;
- iv) the area population and existing care system exhibit indicators of median care problems such as an average family income level below the State average poverty level, high infant mortality or designation as a Health Manpower Shortage Area; or
- v) the project will provide service for a portion of the population who must currently travel over 45 minutes to receive service.
- B) Documentation shall consist of location and utilization of other planning area service providers; patient location information and all applicable time-travel studies; a certification of waiting times and scheduling or admission restrictions that exist in area providers; and an assessment of area population characteristics which would indicate an access problem.

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- C) The applicant must also document that the number of beds proposed will not exceed the number needed at the target occupancy rate to meet the health care needs of the population identified as having restricted access.
- 2) Medically Underserved Population
- A) The proposed project will have as its principal function the provision--or--continuation--of--primary--level--inpatient--hospital--care--to--a--medically--underserved--population--group--and--that--alternative--sources--or--arrangements--for--such--care--are--either--not--available--or--not--accessible--to--the--group--concerned--the--number--of--beds--and--the--nature--and--scope--of--services--proposed--must--be--justified--in--relation--to--the--inpatient--needs--of--the--population--group--to--be--served;
- B) Medically underserved population means the population of--an--urban--or--rural--area--that--has--been--designated--as--an--area--with--a--shortage--of--personal--health--services--or--a--population--group--designated--by--the--Secretary--of--the--Department--of--Health--and--Human--Services--as--having--a--shortage--of--such--services--Medically--underserved--area--means--an--urban--or--rural--area--designated--as--an--area--with--a--shortage--of--personal--health--services--The--basis--for--identifying--medically--underserved--areas--and--populations--by--the--Department--of--Health--and--Human--Services--is--the--Index--of--Medical--Underservice--(IMU)--the--IMU--is--obtained--by--applying--weights--to--data--on--the--following--indicators:
- i) Ratio of primary care physicians to population;
- ii) Infant mortality rate;
- iii) Percentage of population which is age 65 or over;
- iv) Percentage of the population with family income below the poverty level;
- e) The proposed project must document that the addition of beds will result in improving the health status of the medically underserved population by indicating how the addition of beds will impact upon such factors as the ratio of primary care physicians to population, infant mortality rate, and other health status indices.
- B) The applicant must document the following:
- i) the proposed project is to be located in the medically underserved area and/or is servicing the population of the area;
- ii) the extent to which the facility is currently serving the population in terms of documenting the degree of usage of the facility by residents of the area;
- iii) that alternatives to the establishment of beds such as but not limited to outreach clinics, mobile diagnostic and treatment centers and ambulatory surgical treatment centers have been investigated and found to be not feasible



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- iv) that other facilities which service the medically underserved population or area have indicated they have no proposed projects which would impact upon the proposed beds to be added by the applicant; and
- v) that there exists to support the project a sufficient medically underserved population in the area who would have to travel more than 30 minutes to receive the service;
- B) it is essential to the evaluation of this variance that the source of patient data be provided by the applicant and/or agency for the immediate geographic area concerned and for such additional areas as are relevant;
- P) in addition, a proposed project which is to be located in a planning area which has excess beds must document that such excess beds or unoccupied beds are not available to the residents of the medically underserved areas based upon such factors as inaccessibility, restrictive admission policies or other factors which can be identified and quantified;
- d) "Addition of Beds" - Review Criteria
- All beds which are proposed to be added must be added to only general hospitals;
- e) "Obstetric-Regional linkages" - Review Criteria
- Any facility proposing the establishment or modernization of an obstetric unit must document that a system exists or will exist for the evaluation of patient needs and for the referral and/or transfer of patients to facilities which can provide specialized services if needed by the patient;

(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)

Section 1110.630 Comprehensive Physical Rehabilitation Beds - Review Criteria

- a) "Establishment of Additional Comprehensive Physical Rehabilitation Beds" - Review Criterion
- No proposed project for establishment of a new facility will be approved unless
- A) no rehabilitation facility currently exists in the planning area and there exists a demonstrated and documented need for the number of beds proposed as detailed in the inventory or the applicant has documented entitlement to a variance (as outlined in Section 1110.630(f)) or
- B) in which case the number of additional beds needed shall be determined on the basis of the number of projected patients to be served utilizing the proposed unit at the target occupancy rate for the comprehensive physical rehabilitation

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- category of service or
- e) the proposed project is for the conversion of excess beds from another category of service to the comprehensive physical rehabilitation category of service, provided that the number of rehabilitation beds proposed does not exceed the number of additional beds demonstrated and documented as needed in that planning area;
- 2) No proposed project for the addition of beds to an existing facility will be approved unless:
- A) there exists a demonstrated and documented need for additional beds calculated in accordance with 77 Ill. Adm. Code 1100.5507 or
- B) a variance to computed bed need can be demonstrated and documented on the basis of accessibility;
- ab) "Facility Size" - Review Criterion
- No proposed project for the establishment of a comprehensive physical rehabilitation facility will be approved unless:
- 1) The minimum freestanding facility size for proposed projects for establishment of a freestanding comprehensive physical rehabilitation is facility must a minimum facility capacity of 100 beds.
- 2) The minimum hospital unit size for proposed projects for the establishment of a hospital based comprehensive physical rehabilitation is facility must provide for a minimum facility capacity of 15 beds.
- 3) Proposed projects for establishment of new comprehensive physical rehabilitation facilities will not be approved unless all existing comprehensive physical rehabilitation facilities in the planning area are operating at a minimum annual aggregate occupancy of at least 85 percent;
- bc) "Access Variance to Computed Bed Need" - Review Criterion
- The following variance is recognized by the State Board as a basis for granting approval to a project which is not in accord with computed bed need for the comprehensive physical rehabilitation category of service:
- 1) Accessibility
- A) The applicant must document that access to the proposed service is restricted in the planning area as documented by Entitlement to this variance is dependent on the proposed project's documentation that the proposed project will be providing comprehensive physical rehabilitation category of service and that such service is not readily accessible to the general population of the given planning area. Factors affecting accessibility include, but are not limited to:
- A) the absence of the service within the planning area;
- Restrictive admission policies by facilities currently providing the service in the area; and/or
- B) limitations on governmentally funded or charity patients;



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location--of--existing-services--requires--an-excessive-amount of-travel-time--more-than-45-minutes--under--normal--driving conditions--for-area-residents-to-receive-service;

- C) restrictive admission policies of existing providers; or  
D) the project will provide service for a portion of the population who must currently travel over 45 minutes to receive service.

2B) The applicant must also document in addition to the above, the proposed project must provide documentation that the proposed number of beds proposed will not exceed the number needed to meet the health care needs of the population identified as having restricted access at the target occupancy rate is justified, and that the proposed project will achieve within the first year of operation, the target occupancy for the service.

## c) d) Staffing Requirements--Review Criterion

1) The applicant must document that personnel possessing proper credentials in the following categories are available to staff the service. No proposed project for the establishment or expansion of a comprehensive physical rehabilitation facility will be approved unless the applicant has documented ability to conform to the following minimum staff requirements:

1A) Medical Director - Medical direction of the facility shall be vested in a physician who is a doctor of medicine licensed to practice in all of its branches and who has had three year of post-graduate specialty training in the medical management of inpatients requiring rehabilitation services.

2B) Rehabilitation Nursing - Supervisors, for all nurses participating as part of the rehabilitation team, must be available on staff and shall have documented education in rehabilitation nursing and at least one year of rehabilitation nursing experience.

3C) Allied Health - The following allied health specialists must be available on staff:

Ai) Physical Therapist - Graduate of a program in physical therapy approved by the American Physical Therapy Association.

Bii) Occupational Therapist - Registered by the American Occupational Therapy Association or graduate of an approved educational program, with the experience needed for registration. Educational programs are approved by the American Medical Association's council on Medical Education in collaboration with the American Occupational Therapy Association.

E) iii) Social Worker

4D) Other Specialties - The following personnel must be available on staff or on a consulting basis:

Ai) Speech Pathologist;

- Bii) Psychologist;  
Eii) Vocational Counselor or Specialist;  
Biv) Dietician;  
Bv) Pharmacist;  
Fvi) Audiologist;  
Gvii) Prosthetist and Orthotist; and  
Hviii) Dentist.

2) Documentation shall consist of:

- A) letters of interest from potential employees;  
B) applications filed with the applicant for a position;  
C) signed contracts with required staff; or  
D) a narrative explanation of how other positions will be filled.

5) It should be noted that the State Board encourages the Agency and the Hospital Licensing Board to develop licensure standards for staffing for the comprehensive physical rehabilitation category of service. The staffing standards detailed in this Section shall be utilized by all reviewing agencies unless standards are adopted and promulgated by the Agency in accordance with the Illinois Administrative Procedure Act for comprehensive physical rehabilitation services in which case those standards shall be utilized.

(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)

## Section 1110.730 Acute Mental Illness--Review Criteria

a) "Unit Size"--Review Criterion Criteria. The minimum unit size for acute mental illness beds is 20 beds for facilities within a metropolitan statistical area. The minimum unit size for acute mental illness beds is 10 beds for facilities within nonmetropolitan statistical areas. The State Board encourages the establishment of distinct physically identifiable units for the treatment of acute mental illnesses in general hospitals. The State Board recognizes a unit of 20 beds as the minimum size for the establishment of a new acute mental illness treatment unit in a facility located in a S-M-S-A, and a minimum unit size of 10 beds in a facility located in a rural or non-S-M-S-A area. An exception will be granted in those areas with no existing units where the number of additional beds needed in the area is below the recommended unit size.

b) "Supportive Mental Health Services"--Review Criterion Criteria. The applicant must document that the proposed project is or will be a Any proposed project in addition to providing inpatient care, must assure the provision of necessary aftercare services. Project must be one component of an integrated community mental health system, as indicated by the existence of formal multi-institutional service agreements with non-hospital providers, such that all other mental

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health-services-available-in-the-planning-area-will-be-immediately accessible-to-patients-as-required-upon-discharge. The formal agreements must include:

- 1) A specific process for linking of patients to needed aftercare services;
- 2) A specific process for the exchange of information concerning the patient; and
- 3) Designated staff members or points of contact between the facilities and/or professionals, and
- 4) A process-and-structure-for-monitoring-the-success-of-the agreement-and-periodically-revising-the-agreement.

c) Establishment or Addition of Acute Mental Illness Beds--Review Criterion. The State Board shall deny all applications for permit submitted by persons, other than the Department of Mental Health and Developmental Disabilities, to establish a new unit within an existing facility or a new facility for the treatment of acute mental illness when the new unit or facility to be developed will be located in a planning area where a surplus of bed capacity for such treatment has been established by the State Board in accordance with the health care facilities plan developed pursuant to Section 12 of this Act.

de) "High Occupancy Variance to Computed Bed Need"--Review Criterion

1) The applicant must document that the applicant facility has experienced exceptionally high occupancy. Documentation shall consist of evidence that the historical annual occupancy rate has equaled or exceeded the target occupancy in each of the last two years for which data is available.

2) The applicant must also document that the number of beds proposed will not exceed the number needed to reduce the facility's high occupancy to the target occupancy.

3) The following variance is recognized by the State Board as a basis for granting approval to a project which is not in accord with computed bed need for the acute mental illness category of service:

2) Accessibility

A) Entitlement--to--this--variance-is-dependent-on-the-proposed project's documentation that the proposed project will be providing an acute mental illness category of service which is not readily accessible to the general population--of--the given--planning--area--Factors-affecting-accessibility include--but-are-not-limited-to

1) Restrictive-admission-policies-by-facilities-currently providing the service-in-the-area-and/or

2) Location-of-existing-services--requires--an-excessive amount--of--travel--time--(more--than--45--minutes--under normal--driving--conditions)--for--area--residents--to receive-service-and/or

3) Additional-Child/Adolescent-programs-are-shown--to--be

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needed-utilizing-the-Agency-bed-need-forecasts-for this-particular-subservice. (See--Section 1100-566(e)).

B) In-addition-to-the-above-the-proposed-project-must-provide documentation-that-the-proposed-number-of-beds-is-justified and-that-the-proposed-project-will-be-achieved-by-end-of-the second-year-of-operation--the-target-occupancy-for-the service-and-that-there-is-an-available-number-of-patients suffering-from-psychiatric-disorders-as-referenced-in-the Diagnostic-and-Statistical-Manual-of-Mental-Disorders, 4th Edition (1980), DMS-III, American-Psychiatric-Association, needing-the-facility's-services-to-meet-this-occupancy level.

C) Any-proposed-project-proposing-the-establishment-of-new-or additional-beds-must-document-that-there-exists-a-sufficient caseload--of-patients-suffering-from-psychiatric-disorders (as-defined-above)-to-support-the-proposed-beds-at-the desired-occupancy-target. (See-Section-1100-566(f)).

e) Type of Admissions--Review Criterion. The applicant must document that the acute mental illness service will annually achieve the target occupancy beginning in the second year of operation. Documentation shall consist of statistical evidence that there is an available number of patients suffering from psychiatric disorders as referenced in the Diagnostic and Statistical Manual of Mental Disorders, IV Edition (1980), DMS-III, American Psychiatric Association, which would utilize the acute mental illness service.

f) Facilities Operated by the Department of Mental Health and Developmental Disabilities--Review Criterion. The applicant must document that the development of an acute care service component is needed. Documentation shall consist of evidence that the number of episodes requiring acute intervention in the chronic patient population justifies the acute service or that the number of direct acute admissions to the facility warrants the development of an acute service. Any project for the establishment of this category of service or the expansion of any existing Acute Mental Illness unit in a facility operated by the Department of Mental Health and Developmental Disabilities must provide documentation to give a narrative statement detailing the scope of system changes which have brought about the need for the proposed project, and historical utilization data of facilities involved of at least one of the following:

1) That the resident population and type of resident/patient served has changed necessitating the establishment or expansion of Acute Mental Illness services in order to meet the needs of the facility's residents;

2) That the project represents a redistribution of existing Acute Mental Illness beds from another facility due to closure of the facility or unit;

3) That admissions from the general public directly into the Acute



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Mental illness unit(s) of the facility have increased over the last 2-year period and the expansion of the unit is necessary in order to adequately serve the residents of the facility and the general public.

(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)

Section 1110.830 Substance Abuse--Review Criteria

- a) "Detoxification Services"--Review Criterion Criteria. The applicant must document in order to receive approval any project involving substance abuse must document that detoxification services are provided or will be provided under the direction of a certified alcoholism counselor. (Beds utilized for detoxification not located within a substance abuse unit are not counted against unit bed totals.) Documentation shall consist of a narrative as to how and where detoxification is performed. within the unit.
- b) "Establishment or Addition of Substance Abuse Beds"--Review Criterion Criteria. The applicant must document that the proposed project involves it is the policy of the State Board that only those projects proposing the conversion of excess beds from another category of service. Documentation shall consist of identification of all patient rooms affected and a revised floor plan for the facility currently existing to this service will be approved.
- c) "Supportive Services"--Review Criterion Criteria. The applicant must document that Any proposed project, in addition to providing inpatient care, must provide additional supportive services, e.g., emergency, outpatient and intermediate services and care, including diagnostic evaluations, medical, psychiatric, psychological and social service care, vocational rehabilitation and career counseling will be provided. Documentation shall consist of a narrative detailing the scope and nature of support services provided and the manner in which services will be provided.
- d) "Target Optimum Occupancy"--Review Criterion Criteria. The applicant must document justify that the proposed percent number of beds will operate at an average occupancy rate of 90 percent % by documenting the projected case load. Documentation must should include, but is not limited to, copies of written correspondence agreements with physicians, private or public social organizations and employer and employee organizations which demonstrate document that these sources are currently experiencing difficulties obtaining inpatient Substance Abuse Treatment Services. Such correspondence must indicate where referrals or patient placements are being made currently; why these arrangements cannot be continued and also whether additional patients, to whom care is currently unavailable, would be serviced by the project.
- e) "Community Programs"--Review Criterion Criteria. The applicant must

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document Any applicant proposing to establish or modernize an substance abuse inpatient service must document that the inpatient service will be a component part of a comprehensive outreach or community treatment program or system. Documentation shall consist of written this should be documented by format agreements with providers located within 60 minutes travel time from the proposed project. Such a system written agreement must include should consist of the following:

- 1) A specific process for linking patients to needed ambulatory and aftercare services;
  - 2) A specific process for the exchange of information concerning the patient; and
  - 3) Designated staff members or points of contact between the facilities and/or professionals; and
  - 4) A process and structure for monitoring the success of the agreement and periodically revising the agreement.
- f) Contact with the Department of Alcoholism and Substance Abuse "consultation" Review Criterion Criteria. The applicant Applicant must document contact consultation with the Department of Alcoholism and Substance Abuse. Such Documentation documentation must include proof that a request has been submitted to solicitation of a letter from that Department to review the stating the project's relationship to the long-range goals and objectives of that Department. Such a request must be made by certified mail return receipt requested and must occur within a 60-day period prior to the submission of this application.
- g) "Distinct Unit"--Review Criterion Criteria. If the proposed Substance Abuse treatment program is to be established in a facility offering other inpatient services, the applicant must provide document documentation that the proposed unit will be self-contained, physically distinct, have an identifiable staff and comply with all appropriate, existing licensure standards of the agency Agency. Documentation shall consist of a narrative which identifies the relationship of the unit to the other facility services and how the unit will be operated in order to comply with licensure requirements.
- h) "Distinct Units-Children/Adolescents"--Review Criterion Criteria. The applicant must document that Any applicant proposing to establish a unit for the treatment of children children or adolescents Adolescents will occur in a unit must document that the unit will be separate and distinct from any existing units for the treatment of adults Adults. Documentation shall include such things as line drawings detailing the configuration of the unit, and certification that the unit will be separate and distinct.

(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)

SUBPART J: CATEGORY OF SERVICE REVIEW CRITERIA--NEONATAL INTENSIVE CARE



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PERINATAL/HIGH-RISK

Section 1110.910 Introduction

Subpart J contains Review Criteria which pertain to the Neonatal Intensive Care Perinatal-High-Risk category of service. These Review Criteria are utilized in addition to the "General Review Criteria" outlined in Subpart C and any other applicable Review Criteria outlined in Subpart Subparts D and E.

(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)

Section 1110.920 Neonatal Intensive Care Neonatal/High-Risk-- Definitions

"Intensive Neonatal Intensive Care" means a level of care providing constant and close medical coordination, multi-disciplinary consultation and supervision to those neonates with serious and life threatening developmental or acquired medical and surgical problems which require highly specialized treatment and highly trained nursing personnel.

Neonatal Intensive Care Service means a category of service providing treatment of the infant for problems identified in the neonatal period which warrant intensive care. An intensive neonatal care service must include a related obstetric service for care of the high-risk mother (except when the facility is dedicated to the care of children).

Neonatal Intensive Care Unit means a distinct part of a facility which provides a program of intensive neonatal care and which is designed, equipped, and operated to deliver medical and surgical care to high-risk infants.

"Intermediate-Neonatal-Care" means a level of care provided to those neonates who require close nursing attention and observation, but not of the depth or intensity of that level of care provided in intensive care.

"Neonatologist" means a physician who is certified by the American Board of Pediatrics Sub-Board of Neonatal/Perinatal medicine or a licensed osteopathic physician with equivalent training and experience and certified by the American Osteopathic Board of Pediatricians whose primary concern is in the specialty diagnosis and treatment of disorders of newborn infants.

"Perinatal Center" means a referral facility intended to care for the high-risk patient before, during or after labor and delivery and characterized by sophistication and availability of personnel, equipment, laboratory, transportation techniques, consultation and

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other support services. Such a center shall be a university or university-affiliated facility responsible for the administration and implementation of the Department of Public Health's regionalized perinatal health care program including continuing education for health professions. regionalized facility and its affiliates recognized by the Illinois Department of Public Health which provides all levels of perinatal care in particular intensive and which provides a program of outreach education consultation services and back-up support for all hospitals delivering perinatal services in their regions.

"Perinatal/High-Risk-Service" means a category of service pertaining to the treatment of medical or surgical problems occurring during pregnancy in the mother and/or fetus treatment of reproductive related disease of the mother during puerperium (42 days) or treatment of the infant for problems identified in the neonatal period which would warrant intensive care.

\*AGENCY-NOTE: Illinois Advisory Committee on the Perinatal Care Program

"Perinatal-High-Risk-Unit" means a distinct part of a facility which provides a program of perinatal/high-risk service as defined above and which is designed, equipped, or devised and operated to deliver optimal medical and surgical care for high-risk mothers, fetuses and infants.

(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)

Section 1110.930 Neonatal Intensive Care Perinatal/High-Risk--Review Criterion Criteria

a) "Staffing"--Review Criterion Criteria

1) The applicant proposed project must document that the availability and numbers of staffing to include the following personnel possessing the proper credentials in the following categories are available to staff the service:

- A) Full-time Neonatal Director - a neonatologist as defined in Section 1110.920.
- B) Full-time Subspecialty Obstetrical Director - an obstetrician certified by the American Board of Obstetrics and Gynecology in the subspecialty of Maternal and Fetal Medicine or a licensed osteopathic physician with equivalent training and experience and certified by the American Osteopathic Board of Obstetricians and Gynecologists.
- C) Other neonatologists and obstetricians sufficient in number to serve the projected number of maternal and neonatal patients to be served by the facility and to ensure adequate



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back-up to the neonatal and obstetrical directors so that there will be continuity of patient care and consultation.

- D) Full-time Nurse-Director of the obstetric-newborn nursing service who is experienced in perinatal nursing, and preferably holds a master's degree.
- E) Other nurses adequate in number to serve the projected number of maternal and neonatal patients to be served by the facility.
- F) Board-Certified Anesthesiologist with training in maternal, fetal and neonatal anesthesia (24-hour availability).
- G) One or more licensed social workers.
- H) Respiratory therapists with experience in neonatal care and adequate in number to ensure availability of a minimum of one respiratory therapist for every four patients on mechanical ventilators.
- I) Registered dietician with experience in perinatal nutrition.
- A) Neonatologist---as-defined-in-Section-1110-920.
- B) Obstetrician---a-physician-certified-by-the-American-Board-of-Obstetrics-and-Gynecology-and-who-specializes-in-high-risk-maternal-care.
- C) Pediatrician---a-physician-certified-by-the-American-Board-of-Pediatrics.
- D) Nurses---including-a-person-with-an-advanced-degree-in-obstetric-or-newborn-nursing-qualified-to-be-a-designated Ethical-Nurse-Specialist-if-that-person-is-the-unit's nursing-service-supervisor.
- E) Administrative-Director---a-physician-with-extensive training-and-experience-in-perinatal-medicine-and-in administration-of-health-services.
- 2) Documentation shall consist of:
- A) Letters of interest from potential employees;
- B) Applications filled with the applicant for a position;
- C) Signed contracts with required staff; or
- D) A narrative explanation of how other positions will be filled.
- 2) In-addition-a-project-should-document-availability-of-a-full complement-of-specialists-in-surgery-respiratory-therapy-infectious-disease-hematology-and-other-subspecialties including-anesthesiology-dietetics-social-services administration-and-respiratory-therapy-Pediatric-and-obstetric residents-should-also-be-available-and-fellowship-in-neonatology should-be-provided;
- 3) It-should-be-noted-that-the-State-Board-encourages-the-Agency-and the-Hospital-Licensing-Board-to-develop-licensure-standards-for staffing-of-perinatal-centers-the-staffing-standards-detailed in-this-Section-shall-be-utilized-by-all-reviewing-agencies-by the-Agency-in-accordance-with-the-1110-1030-Administrative Procedure-Act-(111-Rev-Stat-1987-ch-127-pars-101-et

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seq:7--as--amended--for-neonatal-high-risk-services-in-which-case those-standards-shall-be-utilized.

- b) Letter of Agreement--Review Criterion. The applicant must document that a letter of agreement with the regional perinatal center for neonatal intensive care services has been signed. Such letter of agreement must fulfill the conditions for such letters found in the Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640) and be approved by the Department of Public Health. A copy of the letter shall serve as documentation.
- c) Need for Additional Beds--Review Criterion
- 1) The applicant must document that the proposed neonatal intensive care beds are needed. Bed need may be documented by any of the following:
- A) no neonatal intensive care services exist within the planning area;
- B) that for each of the last two years for which data is available, the yearly occupancy rate for the service at the affiliated perinatal center has exceeded the target occupancy rate;
- C) existing providers of the service within the planning area cannot provide care to a patient caseload due to a limitation on funding for care providing; or
- D) that for each of the last two years for which data is available, the yearly occupancy rate for the service at the applicant facility has exceeded the target occupancy rate.
- d) Obstetric Service--Review Criterion. The applicant must document the availability within the facility of an obstetric service capable of providing care to high-risk mothers. Documentation must include a detailed assessment of obstetric service capability. This requirement does not apply to a facility dedicated to the care of children.
- b) "Bevels-of-Care"--Review-Criteria
- Proposed-projects--to-establish-or-to-add-beds-for-high-risk-neonates must-document-that-both-intensive-and-intermediate-levels-of-care-will be-provided-as-part-of-the-proposed-project--or--through-affiliation agreements.

(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)

SUBPART K: CATEGORY OF SERVICE REVIEW CRITERIA--BURN TREATMENT

Section 1110.1030 Burn Treatment--Review Criteria

- a) "Staffing"--Review Criterion Criteria
- 1) The applicant A-proposed-project must document that personnel possessing proper credentials in the following categories are available to staff the service the-availability-of-the-following:
- A) Director - a physician (general surgeon) with at least one



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- year of experience in a recognized Burn Center Unit.
- B) Clinical Nurse Specialist - as defined in Section 1110.1020.
- C) Burn Specialist - as defined in Section 1110.1020.
- D) Burn Care Technician - as defined in Section 1110.1020.
- 2) E) In addition, a proposed project must document availability of the following support staff consisting of: anesthesiologist, dietitian, inhalation therapist, microbiologist, occupational therapist, pharmacist and physical therapist.

- 3) F) A facility should also have available the services of the following specialists including: psychiatrist, psychologist, plastic surgeon, orthopedic internist, ophthalmologist, social worker, special education teacher, pathologist, chaplain, and pediatrician.

- 2) Documentation shall consist of:
- A) letters of interest from potential employees;
- B) applications filed with the applicant for a position;
- C) signed contracts with required staff; or
- D) a narrative explanation of how other positions will be filled.

- 4) It should be noted that the State Board encourages the Agency and the Hospital Licensing Board to develop licensure standards for staffing of burn centers.

- 5) The staffing standards detailed in this Section shall be utilized by all reviewing agencies unless standards are adopted and promulgated by the Agency in accordance with the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1983, ch. 127, pars. 1-100) for burn services in which case those standards shall be utilized.

- b) "Unit Facility Size" - Review Criterion Criteria. The minimum size for a burn unit is No project will be approved by the State Board for less than six beds.

- c) "Multi-Institutional Systems" - Review Criteria
- The applicant must document that the proposed project will result in the establishment of a multi-institutional system with regard to the utilization of the burn center unit. Documentation shall include such things as letters from other providers indicating they will refer patients to the applicant, and statements from other area providers indicating that they will not duplicate the proposed service as shown in their capital budgets.

(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)

SUBPART M: CATEGORY OF SERVICE REVIEW CRITERIA--  
OPEN HEART SURGERY

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Section 1110.1210 Introduction

- a) Subpart M contains Review Criteria which pertain to the Open Heart Surgery category of service. These Review Criteria are utilized in addition to the "General Review Criteria" outlined in Subpart C and any other applicable Review Criteria outlined in Subparts D and E.
- b) Open heart surgical procedures performed on an emergency basis due to a complication occurring during a cardiac catheterization procedure shall not constitute establishment of the open heart surgery category of service when reported to the agency within 30 days of occurrence.

(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)

Section 1110.1220 Open Heart Surgery--Definitions

- a) "Cardiac Surgeon" means a physician one who is eligible or Board certified by the American Board of Thoracic Surgery.
- b) "Cardiac Surgery Room" means a physically identifiable room(s) adequately staffed and equipped for the performance of open and closed heart surgery, and extracorporeal bypass.
- c) "Cardiac Surgery Intensive Care Unit" means a unit where cardiac vascular surgical patients are held for post-operative care. Such a unit may be a part of an existing intensive care unit.
- d) "Cardiac Surgical Center" means a medical facility which specializes in most aspects of cardiac service including at a minimum cardiovascular surgical services and cardiac catheterization services.
- e) "Cardiological Team" means the designated specialists and support personnel who consistently work together in the performance of open heart surgery.
- f) "Cardiovascular Surgical Procedures" means any surgical procedure dealing with the heart, coronary arteries and surgery of the great vessels.
- g) "Cardiovascular Surgical Services" means the programs, equipment and staff dealing with the surgery of the heart, coronary arteries and great vessels.
- h) "Closed Heart Surgery" means any cardiovascular surgical procedures which do not include the use of a heart/lung pump.
- g) "Extracorporeal Circulation (Bypass)" means the circulation of blood outside the body, as through a heart/lung apparatus for carbon dioxide-oxygen exchange.
- h) "Open Heart Surgery" means a category of service which utilizes any form of cardiac surgery which requires the use of extracorporeal (outside the body) circulation and oxygenation. This technique is used when the heart must be slowed down to perform the necessary surgery to correct whatever problem exists. During the grafting of corrective procedure, a heart/lung pump performs the work of the heart and lungs. The use of a pump during the procedure



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- distinguishes "open heart" from "closed heart" surgery.
- ik) "Pump Procedures" means the utilization of a heart/lung pump in surgery to perform the work of the heart and lungs. Included in these procedures are Myocardial Revascularization, Aortic and Mitral Valve Replacement, Ventricular Aneurysm Repairs, Pulmonary Valvuloplasty, and all other procedures utilizing a cardiac pump.

(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)

Section 1110.1230 Open Heart Surgery--Review Criteria

- a) "Peer Review" - Review Criterion errata. The Any applicant must document proposing the establishment or modernization of an open heart surgery category of service shall detail in its application for permit the mechanism for peer review of an open heart surgery the program.
- b) "Establishment of Open Heart Cardiovascular Surgery" - Review Criterion errata. The applicant must document that a minimum of 200 open heart surgical procedures will be performed during the second year of operation or that 750 cardiac catheterizations were performed in the latest 12 month period for which data is available. Anticipated open heart surgical volume must be documented by historical referral volume of at least 200 patients directly referred following catheterization at the applicant facility to other institutions for open heart surgery for each of the last two years.
- 1) There shall be no additional open heart surgery categories of services initiated unless:

- A) existing facilities providing open heart surgery services within the health planning area are operating at a minimum of 350 open heart surgery cases per year in adult services or 130 pediatric open heart cases in pediatric services, or
- B) if area programs have, over the last two full calendar years, failed to meet these targets and the applicant can document the number of patients over two years who were transferred to another facility for open heart surgery in excess of the minimum utilization standards prescribed for this service.
- 2) in health planning areas where no programs currently exist no proposed project shall be approved unless it will serve a population base of 500,000 persons or more who are located more than 90 minutes travel time from the nearest facility providing open heart surgery.

- c) "Unnecessary Duplication of Services" - Review Criterion errata. 1) The applicant must document that no additional open heart surgery categories of service shall be approved which will reduce the volume of any existing service within 90 minutes travel time from the applicant will not be reduced below 350 procedures annually for adults and 75 procedures annually for pediatrics. Documentation shall consist

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of proof of contact of all facilities within 90 minutes travel time currently providing open heart surgery to determine the projected impact the project will have on existing open heart surgery volume.

- 2) Any applicant proposing the establishment of an open heart surgery unit must contact all facilities within 90 minutes travel time currently providing open heart surgery to determine the projected impact the project will have on existing open heart surgery volume.

- d) "Modernization of Existing Open Heart Surgery Units" - Review Criteria 1) No proposed project for the modernization of an existing open heart surgery category of service will be approved if the applicant facility fails to meet the minimum utilization standards for a facility providing the service as expressed in 77 Ill. Adm. Code 1100.610.

- 2) An exception will be made to the above if the proposed project is the sole facility serving a population of 500,000 or more who are more than 90 minutes travel time from the nearest facility providing or approved to provide open heart surgery services.

- 3) "Support Services" - Review Criterion errata. 1) The Any applicant proposing the establishment of an open heart surgery category of service must document that the following support services and facilities are should be immediately available on a 24-hour basis and how such services will be mobilized in the case of emergencies.

- 1A) Surgical and cardiologic team appropriate for age group served.
- 2B) Cardiac surgical intensive care unit.
- 3C) Emergency room with full-time director, staffed 24 hours for cardiac emergencies with acute coronary suspect surveillance area and voice communication linkage to the ambulance service and the coronary care unit.

- 4B) Catheterization angiographics laboratory services.

- 5B) Nuclear medicine laboratory.

- 6P) Cardiagnostics laboratory, electrocardiography including exercise stress testing, continuous electrocardiograph (ECG) monitoring and phonocardiography.

- 7S) Echocardiography service. This may or may not be a part of the cardiagnostics laboratory.

- 8H) Hematology laboratory.

- 9F) Microbiology laboratory.

- 10J) Blood gas and electrolyte laboratory with microtechniques for pediatric patients.

- 11K) Electrocardiographic laboratory.

- 12B) Blood bank and coagulation laboratory.

- 13M) Pulmonary function unit.

- 14N) Installation of pacemakers.

- 15O) Organized cardiopulmonary resuscitation team or capability.

- 16P) Preventive maintenance program for all biomedical devices, electrical installations, and environmental controls.

- 17Q) Renal Dialysis.



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2) it-is-not-essential-that-all-of-these-services-units-and laboratories-be-available-on-an-inpatient-basis-in-the-applicant facility-what-must-be-documented-is-how-such-services-can-be immediately-mobilized-for-emergencies-at-all-times;

f) "Cardiac-Surgery-Rooms"---Review-Criteria

1) The-number-of-cardiac-surgery-rooms-needed-is-in-direct proportion-to-the-number-of-surgery-cases-per-week:

A) in-facilities-with-established-cardiac-surgery-teams-with designated-cardiac-surgery-rooms-the-optimal-surgical-volume is-five-scheduled-cases-and-the-capability-to-handle-two unscheduled-cardiac-surgery-cases-per-week-per-room.-Any project-for-the-expansion-or-modernization-of-the-surgery area-will-be-reviewed-against-the-experienced-volume-over the-last-12-month-period-to-determine-if-the-case-load-is sufficient-to-warrant-approval.

B) in-facilities-proposing-to-establish-a-cardiac-surgical-room the-applicant-must-document-the-projected-case-load-for-the service.-The-need-for-rooms-will-be-determined-based-on projected-case-load;

2) it-is-also-recommended-that-all-cardiac-surgery-rooms-be-adjacent to-promote-efficiency-and-safety-in-the-distribution-and-use-of equipment-supplies-and-personnel-deployment.

eg) "Staffing" - Review Criteria Criterion

1) The applicant must document that it-is-a-policy-of-the-State Board-that-if-cardiac-surgery-services-are-offered, a cardiac surgical team will must be established. Such a team must be composed of at least the following:

1A) Two cardiac cardiac surgeons (at a minimum, one of which must be certified and the other qualified i-certified by the American Board of Thoracic Surgery and-i-qualified-by the-American-Board-of-thoracic-surgery) with special competence in cardiology, including cardiopulmonary anatomy, physiology, pathology, and pharmacology; extracorporeal perfusion technique; and interpretation of catheterization angiographic data.

2B) Operating room nurse personnel (Registered Nurse (RN), Licensed Practical Nurse (LPN), Surgical Technician). The nurse to patient ratio for the ICU module of open heart surgery patient care should be no less than one nurse per one patient in the immediate recovery phase and one nurse per two 2 patients thereafter.

3C) Anesthesiologists (Board certified by the American Board of Anesthesiology).

4D) Adult Cardiologists (Board certified by the American Board of Internal Medicine with subspecialty certification in cardiology).

5E) Physician who is Board certified in anatomic and clinical pathology, with special expertise in microbiology,

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bloodbanking, lab aspects of blood coagulation, blood gases, and electrolytes.

6F) Pump technician, or operator of the extracorporeal pump oxygenator, who should have in-depth experience on the active cardiac surgical service that includes perfusion physiology, mechanics of pump operation, sterile technique, and use of monitoring equipment, whether he/she be a physician, nurse or technician.

7G) Radiologic Technologist experienced in angiographic principles and catheterization procedure techniques who is experienced in the usage, operation and care of all catheterization equipment.

2) Documentation shall consist of:

A) letters of interest from potential employees;

B) applications filled with the applicant for a position;

C) signed contracts with required staff; or

D) a narrative explanation of how other positions will be filled.

h) "Data-System"---Review-Criteria

The-State-Board-recognizes-the-need-to-gather-and-share-information regarding-heart-disease-incidence-and-treatment-Therefore-no application-for-permit-will-be-approved-unless-documentation-is provided-indicating-that:

1) for-existing-facilities-providing-open-heart-surgery-a-heart disease-data-system-is-functioning;-or

2) for-facilities-proposing-the-establishment-of-an-open-heart surgery-program-a-heart-disease-data-system-will-be-established;

(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)

SUBPART O: CATEGORY OF SERVICE REVIEW CRITERIA--

END-STAGE CHRONIC RENAL DIALYSIS B5B5B5B

Section 1110.1410 Introduction

Subpart O contains Review Criteria which pertain to the End-Stage Chronic Renal Dialysis B5B5B5 category of service. These Review Criteria are utilized in addition to the "General Review Criteria" outlined in Subpart C and any other applicable Review Criteria outlined in Subparts D and E.

(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)

Section 1110.1420 End-Stage Chronic Renal Dialysis B5B5B5-Definitions

a) "Acute Dialysis" is dialysis given on an intensive care, inpatient basis to patients suffering from (presumably reversible) acute renal



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failure, or to patients with chronic renal failure with serious complications.

b) "Chronic Renal or Maintenance Dialysis" is a category of service in which dialysis is performed either on a regular long-term basis in patients with chronic irreversible renal failure, or in the maintenance and preparation of patients for kidney transplantation (including the immediate post-operative period and in case of organ rejection) or other acute conditions within a hospital does not constitute a chronic renal dialysis category of service.

c) "Dialysis" is a process by which dissolved substances are removed from a patient's body by diffusion from one fluid compartment to another across a semipermeable membrane. The two types of dialysis which are recognized in classical practice are hemodialysis and peritoneal dialysis.

d) "End-Stage-Renal-Disease-Facility" means a facility which furnishes at least one specific end-stage-renal-disease service. Such facilities are:

1) Renal-transplantation-center---a-hospital-unit-which-furnishes directly-transplantation-and-other-medical-and-surgical-specialty services-required-for-the-care-of-the---End-Stage-Renal-Disease transplant---patient---including---inpatient-dialysis---furnished directly-or-under-arrangement---A---Renal-transplantation-center may---be---a-Renal-Dialysis-Center---Centers-provide-a-full-range-of services-to-patients-with-End-Stage-Renal-Disease-and-are---part of-or-affiliated-with-a-full-service-hospital

2) Renal-Dialysis-Center---a-hospital-unit-which-furnishes-the-full spectrum-of-diagnostic-therapeutic-(including-inpatient-dialysis furnished-directly-or---under---arrangement)---and---rehabilitative services---except---renal-transplantation-required-for-the-care-of End-Stage-Renal-Disease-dialysis-patients.

d3) Renal Dialysis Facility means a hospital unit or freestanding facility which furnishes routine chronic dialysis service(s) to chronic end-stage renal disease patients. Such types of services are: Self-dialysis, training in self dialysis, dialysis performed by trained professional staff and chronic maintenance dialysis. It functions-as-an-intermediate-source-between-home-and-hospital-dialysis and-sometimes-is-called-a-self-care-unit-satellite-unit-or-a-limited care-facility---A-unit-or-center-of-this-type-is-free-standing-in-that while-it-may-be-owned-or-operated-by-a-hospital-the-unit-or-center-is not-located-within-the-operating-hospital---A-unit-or-center-may-also be-private-ly-owned-and-operated.

e) "End-Stage-Renal-Disease-Treatment" means categories of services relating to the care of services furnished to an End-Stage-Renal Disease-patient-such-an-transplantation-service-and-dialysis-service (chronic-maintenance-dialysis-inpatient-dialysis-self-care-dialysis training)-End-Stage-Renal-Disease-is-that-stage-of-renal-impaired which-is-virtually-always-irreversible-and-permanent-and-requires dialysis-or-kidney-transplantation-to-ameliorate-uremic-symptoms-and

maintain-life---the-categories-of-service-established-for-purposes-of this-Subpart-are:

1) Renal-transplantation-and

2) Renal-Dialysis:

ef) "Hemodialysis" is a type of dialysis that involves the use of an "artificial kidney" through which blood is circulated on one side of a semipermeable membrane while the other side is bathed by a salt dialysis solution. The accumulated toxic products diffuse out of the blood into the dialysate bath solution. The concentration and total amount of water and salt in the body fluid is adjusted by appropriate alternations in composition of the dialysate fluid.

fg) "Peritoneal Dialysis" is a type of dialysis in which the dialysate fluid is injected slowly into the peritoneum peritoneum, causing dialysis of water, electrolyte and waste products to occur through the peritoneal sac which acts as a semipermeable membrane. The fluid and waste, after accumulating for a period of time (1 hour), is drained from the abdomen and the process is repeated. This procedure is much slower than hemodialysis, requiring the patient to be immobilized for a long period of time.

gh) "Self-Care Dialysis Training" is a program which trains Chronic End Stage Renal Disease patients or their helpers, or both, to perform self-care dialysis.

hi) "Self-Dialysis Trays or Self-Care Dialysis Bays" is maintenance dialysis performed by a trained patient at home or in a special facility with or without the assistance of a family member or other helper. (Professional supervision and performance of the dialysis is limited.)

(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)

Section 110.1430 End-Stage Chronic Renal Dialysis Disease - Review Criteria

a) "Data System" - Review Criterion Criteria. The applicant must document that a chronic renal dialysis data system exists or will be established. The State Board recognizes the need to gather and share information regarding the incidence of kidney disease, patients requiring dialysis services and on both patients in need and possible donors of kidneys for transplantation. Therefore, no application for permit will be approved unless documentation is provided that:

1) for existing end-stage renal disease facilities, an end-stage renal disease data system is functioning; or

2) for facilities proposing to establish an end-stage renal disease category of service that such a data system will be established. Minimum Size of Renal Dialysis Center or Renal Dialysis Facilities - Review Criterion Criteria. The State Board recognizes the need to establish dialysis centers or dialysis facilities in locations necessary to meet the needs of the population; to promote the



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efficient-use-of-facilities-and-manpower-and-to-insure-patient-safety  
The minimum facility size is established as:

- 1) three dialysis stations within the facility in areas not included in an SMSA or in an SMSA area of less than 500,000 people;
- 2) six dialysis stations in SMSA's areas of over 500,000 population.

Access Variance to Need-Review Criterion

- 1) The applicant must document that access to the proposed service is restricted in the planning area as documented by:

A) all existing renal dialysis facilities are operating at full utilization as reflected in three patient shifts per day; or  
B) renal dialysis facilities are not available to 90 percent of the population of the planning area within 45 minutes travel time and the proposed project will meet that need.

- 2) Documentation shall consist of location and historical utilization of other planning area service providers; patient location information, all applicable time-travel studies; and a certification of waiting times or scheduling problems in existing facilities.

- 3) The applicant must also document that the number of patients who are experiencing an access problem will justify the proposed project at the minimum utilization level detailed in 77 Ill. Adm. Code 1100.

"Regulatory-Programs"-Review-Criteria

Any applicant proposing to establish an end-stage renal-disease program must detail in its application how requirements of the state or federal government will be met. No project will be approved if it fails to meet the State guidelines (as developed pursuant to An Act in Relation to Public Health - (Ill. Rev. Stat. 1983, ch. 111-1/2, pars. 22-24, 26-27) and federal regulations (developed pursuant to PHS 92-6037, Social Security Amendments of 1972-42-U.S.C. et seq. 1329).

Establishment-of-Facilities-Review-Criteria

Establishment of Facilities-Review Criterion. It is the policy of the State Board that no new renal dialysis center or facility be established in a planning area unless:

- 1) All existing renal dialysis centers or facilities within the planning area are operating at the minimum utilization for such facilities as detailed in 77 Ill. Adm. Code 1100.630; or
- 2) The planning area is currently underserved by existing renal dialysis centers or facilities as demonstrated by a calculated need for additional stations. The need for treatment stations can be estimated utilizing the formula reflected in 77 Ill. Adm. Code 1100.630 for the determination of station need.

- 3) Renal-transplantation centers--it is the policy of the State Board that no new renal-transplantation center be established in a planning area unless each existing renal-transplantation center is serving a population base of more than 2 million with the performance of 25 or more transplants per year and that an unserved population of at least 2 million people exists within 3

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hours-travel-time

- 2) Renal-Dialysis-Center-or-Facility--it is the policy of the State Board that no new renal dialysis center or facility be established in a planning area unless:

A) All existing renal dialysis centers or facilities within the planning area are operating at the minimum utilization standards for such facilities as detailed in 77 Ill. Adm. Code 1100.630; or

B) Renal-dialysis-centers-or-facilities-are-not-available-to-90 percent of the population of the planning area within 45 minutes travel time and that the proposed project will meet that need; or

C) The target population within the planning area is currently underserved by existing renal dialysis centers or facilities. The need for treatment stations can be estimated utilizing the formula reflected in 77 Ill. Adm. Code 1100.630 for the determination of station need.

"Target-Population"-Review-Criteria

Any applicant proposing to establish an end-stage renal-disease facility must document the target population which will be served by the proposed project.

"Staffing"-Review-Criteria

It is the policy of the State Board that an applicant proposing to establish, modify or modernize and end-stage renal dialysis facility must demonstrate that the proposed service(s) will be staffed in accordance with federal standards as well as any requirements for personnel established for renal-disease programs by the Agency.

eg) "Location" - Review Criterion Criteria. The Any applicant proposing to establish a new renal dialysis facility or center or a renal transplantation center must document that the location of the proposed project is accessible. Documentation shall consist of a narrative relating the proposed location to public transportation, other providers and to the population to be served to the target population as detailed by the applicant.

fh) "Support Services" - Review Criterion Criteria. The Any applicant must document that proposing the establishment of a new renal-disease facility must document the availability of clinical and pathological laboratory services, blood bank, nutrition, rehabilitation, psychiatric and social services, and self-care dialysis support services, will be available. Documentation shall consist of a narrative as to how such services will be provided, the following support services:

- 1) Renal-transplantation-Center:

The following services must be available on the facility's premises: laboratory services; social services; dietetic services; and self-care dialysis support services; inpatient dialysis services; pharmacy; specialized blood facilities (including tissue typing) and the participation of the center in



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- a recipient registry:
- 2) Renal-Dialysis-Centers-or-Facility:  
Clinical--and--pathological--laboratory--services--blood--bank  
nutrition--rehabilitation--psychiatric--and--social--services  
self-care-dialysis-support-services
- g) "Affiliation Agreements" - Review Criterion Criteria. 1) Any  
applicant--proposing-to-establish-a-new-renal-transplantation-category  
of-service-must-document-that-the-transplantation-center-is-a-part--of  
or--affiliated-with-a-university-medical-center. 2) The Any applicant  
proposing-to-establish-a--renal-dialysis--category--of--service must  
document that a written affiliation agreement or arrangement is in  
effect for the provision of inpatient care and other hospital  
services. Documentation shall consist of copies of all such  
agreements.
- A) if-a-renal-dialysis-facility-or-a-renal-dialysis-center-will  
be-established-that-an-affiliation-agreement-or-arrangement  
in-writing-is-in-effect-for-the-provision-of-inpatient-care  
and-other-hospital-services-to-referral-patients--and
- B) a-written-agreement-with-another-dialysis-facility-for-the  
provision-of-self-care-dialysis--self-care-instruction--home  
dialysis-and-home-training--is-established-if-it-is-not--or  
will-not-be-provided-at-the-applicant-facility
- h) Self-Care and Home Dialysis Training--Review Criterion. The applicant  
must document that self-care dialysis, self-care instruction, home  
dialysis and home training will be provided at the applicant facility  
or that a written agreement with another facility for the provision of  
these services exists. Documentation shall consist of a certification  
that services are provided by the applicant or copies of all  
agreements for provision of such services.
- i) Modernization--Review-Criteria  
it-is-the-policy-of-the-State-Board-that-no-renal-dialysis-center--or  
facility-be-allowed-to-modernize-unless:
- 1) The--renal-dialysis--facility-or-center-is-operating-at-or-above  
the-minimum-utilization-rate-for-such-a-facility-as--detailed--in  
Section-1100-6307--or
- 2) There--are--no--other--dialysis--centers--or-facilities-within-45  
minutes-travel-time-or-90%--of--the-residents-of-the-service-area.
- k) Addition-of-Stations--Review-Criteria  
it-is-the-policy-of-the-State-Board--that--the-need--for--additional  
dialysis--stations-be-met-by-the-expansion-of-existing-renal-dialysis  
centers-or-facilities-unless-no-facilities-or-centers-exist-within-the  
planning-area-or-unless-90%--of--the-residents-of-the-area-would-have-to  
travel-more-than-45--minutes--to--existing-services--or--unless--the  
applicant--can--document--improvements--in--patient-access-as-a-direct  
result-of-the-proposed-project--Conformance-with--this--criterion  
occurs--when--the-proposed-provider-will-improve-the-distribution-of  
stations-to-population--by--decreasing--travel--times--Documentation  
shall--include:

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- 1) statement-of-travel-times-to-existing-providers;  
2) density-of-population-in-the-area-to-be-served--and  
3) a--certification--of--waiting-times--or--scheduling--problems--in  
existing-facilities:

(Source: Amended at 16 Ill. Reg. 16108, effective  
October 2, 1992)

SUBPART R: CATEGORY OF SERVICE REVIEW CRITERIA--  
GENERAL LONG-TERM CARE

Section 1110.1730 General Long-Term Care--Review Criteria

- a) "Facility Size" -- Review Criterion Criteria. The maximum size of a  
No-application-for-permit-for-construction-of-a-new-facility--or--for  
addition--of--beds--will--be--approved-if-such-project-will-result-in-a  
total general long-term care facility is bed-count-in-excess-of 250  
beds, unless the applicant can document documents that a larger such  
facility would provide personalization of patient care and document  
documents provision evidence of quality care based on the experience  
of the applicant and compliance with the Agency's licensing licensure  
standards (77 Ill. Adm. Code: Chapter I, Subchapter c) (Long-Term  
Care Facilities) over a 2 year period of time.
- b) "Community Related Functions" -- Review Criterion Criteria. The  
applicant must document in-addition--to-fulfilling-the-purpose-for  
which-the-permit-is-sought--a--proposed--project--must--indicate--the  
extent-to-which-each-of-the-following-will-be-met:
- 1) the--provision--of-alternative-programmatic-approaches-to-health  
facility-institutionalization-for-the-service-or-planning--area's  
population--such-as--but-not-limited-to:
- A) housing-for-the-elderly;  
B) day-care-centers;  
C) outpatient-or-neighborhood-health-centers;  
B) meals-on-wheels-or-nutrition-programs--or  
B) home-health-or-other-related-programs
- 2) cooperation cooperation with and the receipt of the endorsement  
of community groups such as, but not limited to, social, economic  
or governmental organizations or other concerned parties or  
groups. Documentation shall consist of copies of all letters of  
support from such organizations.
- A) social--economic-or-governmental-organizations--or  
B) other-concerned-parties-or-groups
- c) Zoning--Review Criterion. The applicant must document one of the  
following:
- 1) the property to be utilized has been zoned for the type of  
facility to be developed;
- 2) zoning approval has been received; or
- 3) a variance in zoning for the project is to be sought.



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cd) "Variances to Computed Bed Need" -- Review Criterion Criteria  
The following variances are recognized by the State Board as a basis  
for granting approval to a project that is not in accord with computed  
bed need as determined by the Agency for General Long Term Care:

## 1) The "Defined Population" Variance.

A) The applicant must document proposed project must involve an  
existing or proposed new facility that has documented that  
the proposed project it will be service serving a defined  
population group of a religious, fraternal or ethnic nature  
from throughout the entire health service area or from a  
larger geographic area. In addition to the previous  
requirements, the proposed project must provide  
documentation of the following: That the services provided  
by the proposed project are such that Documentation shall  
consist of one of the following:

i) the services do not exist in the health service area  
where the facility is or will be located; and/or

ii) the services cannot be instituted at existing  
facilities within the health service area in  
sufficient number to accommodate the group's needs.

B) The application must document that the proposed number  
of beds is needed, is justified by providing Documentation  
documentation shall consist of verification that the  
proposed project will achieve, within the first year of  
operation, an annual occupancy in excess of the target  
occupancy. of 90% and that at least 85% of the residents  
needing the facility's services are members of the defined  
population group.

C) The applicant must document that at least 85 percent of the  
residents who will seek the facility's services are members  
of the defined population group. Documentation shall consist  
of an identification of the defined population volume and  
location and rationale for utilization projections.

De) The applicant must document that the proposed project  
is either directly owned, sponsored or affiliated with the  
religious, fraternal or ethnic group that has been defined  
as the population to be served by the project. The  
applicant must provide such documentation should include any  
legally-binding documents which would prove ownership,  
sponsorship or affiliation.

EB) The applicant must document Documentation must be provided  
that there are an available number of patients/residents  
needing the facility's services and that the proposed  
facility will include beds in both the Nursing Category of  
Service and either the Sheltered Care Category of Service or  
Residential living arrangements which are not licensed by  
the Agency. Documentation shall consist of a certification  
of the proposed bed mixture.

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## 2) "Accessibility" Variance-

A) The applicant must document that access to the proposed  
service is restricted in the planning area as documented by  
Bentliment to this variance is dependent on the proposed  
project's documentation that the proposed project will be  
providing a long-term care category of service which is not  
readily accessible to the general population of the given  
planning area. Factors affecting accessibility include but  
are not limited to:

i) the absence the lack of beds within the planning area  
a specific category of service; or

ii) Benominational, fraternal or ethnic admission  
restrictions; or

iii) limitations limitations on governmentally funded or  
Charity patients the number of public aid  
residents/patients; or

iv) restrictive Restrictive admission policies of  
existing area providers by facilities currently  
existing in the area.

B) Documentation shall consist of location and utilization of  
other planning area service providers, and a certification  
of waiting times and scheduling or admission restrictions  
that exist in area providers.

CB) In addition to the above, The the applicant proposed project  
must also document provide documentation that the proposed  
number of beds proposed will not exceed the number needed to  
meet the health care needs of the population identified as  
having restricted access at the target occupancy rate is  
justified and that the proposed project will achieve within  
the first year of operation, an occupancy of 90% and that  
there are an available number of patients/residents needing  
the facility's services to meet this occupancy level.

## 3) Acute Care Conversion Variance

AE) The applicant Any acute care facility proposing to convert  
beds from an acute care service to long-term care beds, must  
document a shortage of long-term care beds in the planning  
area or a shortage of Medicare certified beds in the area  
because at least one of the following:

i) A Diagnosis Related Group (DRG) extended stay caseload  
exists at the applicant facility that cannot be  
referred to existing facilities because of a bed  
shortage; or

ii) a large number of long-term care patients with medical  
conditions which require a combination of acute and  
chronic care receive care at the applicant  
institution.

ii) That the facility is having trouble placing patients  
in long-term care facilities in the planning area due



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to--a--shortage-of-long-term-care-beds-in-the-planning area-or-a-shortage-of-medicaid-certified-beds--in--the area-in-which-patients-can-be-placed;-or

ii) That--there--exists-in-the-facility-a-case-load-of-"DRG extended-stay"-patients-that-cannot-be-treated-without the-establishment-of-a-long-term-care-unit--and--the facility--must--document--that--the--number--of--"DRG extended-stay"-patients--in--the--facility--(for--the latest-12-month-period-for-which-data-is-available)-is sufficient-to-justify-the-establishment-of-a-long-term care-unit-and-the-number-of-beds-proposed;-or

iii) That--the--facility--can--document--that--there--are-a sufficient-number-of--patients--with--certain--medical conditions--(that--cannot--be--appropriately--moved--to--a setting-outside-of-a-hospital--without--risk--to--their lives)--to--justify--the-establishment-of-a-long-term care-unit--and--the-number-of-beds-being-proposed;

iv) Documentation shall include: a summary of patient diagnosis and condition at the time of long-term care placement; a statement as to the number of patients who have been maintained in the hospital beyond DRG reimbursement limitations (see 42 CFR 223.1982 (1990)); statements by physicians as to the need to maintain DRG extended stay patients in a hospital rather than a nursing home setting; and waiting lists in existing skilled long-term care providers.

v) A--positive--evaluation--on--this--criteria--shall-be granted--when--the--potential--number--of--patients documented--by--the--applicant--is--reviewed--against--the proposed--number--of--beds--to--determine--if--a--90% occupancy--target--can--be--maintained--Also--the hospital--must--prove--that--patients--are--too--severely--ill to-be-discharged-to-BHE-providers:

C) The applicant must document that the proposed number of beds will achieve, within the first year of operation, an average occupancy of 90 percent.

43) "Continuum of Care" Variance:  
A) The applicant must document that the proposed project must be--a--component--part--of--an--over-200-master-plan--which will provide a "continuum of care" for a geriatric population which includes independent living and/or congregate housing (such as unlicensed apartments, high rises for the elderly, and retirement villages) and related health and social services. Such housing complex must be on the same site as the health facility component of the project. Such a proposal must be for the purposes of and serve only the residents of the housing complex and may be developed in one of the two following ways:

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i) The proposal may be developed after the housing complex has been established; or  
ii) The proposal may be developed as a part of a total housing construction program, provided that, documentation-is-provided-that-the-entire-complex-is one-inseparable-project-and-that-there-is-a-documented demand-for-the-housing-and-that-the-licensed-beds-will not-be-built-first,-but-will-be-built-concurrently concurrent-with-or-after-the-residential-units.

B) in-addition-to-the-above, The applicant proposed-project must also document provide documentation-of the following:

i) That the proposed number of beds are needed. Documentation shall consist of a list of is-justified-by-providing-documentation-that-there-are-an-available number--of-patients/residents-need-the-proposed project-facility's-services. The proposed number of beds may not exceed one licensed long-term care bed for every four apartments or independent living units; and

ii) That the proposed general long-term care facility will include beds in both the Nursing Category of Service and the Sheltered Care Category of Service in a ratio not to exceed 2 Nursing Care beds to every Sheltered Care bed; and

iii) That the-proposed-project-will--make-or--has-made provision-in its written policies of operation provide that if a resident of the retirement community is transferred to the long-term care unit, that the resident will not lose his or her apartment unit or be transferred to another long-term care facility solely because of the resident's altered financial status or medical indigency.

(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)

SUBPART M: CATEGORY OF SERVICE REVIEW CRITERIA--OPEN HEART SURGERY

Section 1110.1830 Specialized Long-Term Care--Review Criteria

a) "Facility Size"--Review Criterion Criteria. The maximum unit size is No-project-for-addition-of-beds-or-establishment-of-a-new-category--of service--shall--be--approved--which--shall--result--in--a--total--Specialized long-term-care-bed-count-in-the-new-or-existing-facility-in-excess--of 100 beds unless the project is for a State State-Operated Operated facility for a-facility-society-providing-or-proposing-to--provide the "long long-term term medical medical care care for children children category category of service Service".



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- b) "Community Related Functions" -- Review Criterion Criteria. In addition to fulfilling the purpose for which the permit is sought, a proposed project should indicate the extent to which each of the following will be met:
- i) The provision of alternative programmatic approaches to health facility institutionalization for the service or planning area's population, such as: but not limited to:
    - A) housing for the elderly;
    - B) day care centers;
    - C) outpatient or neighborhood health centers;
    - D) meals on wheels or nutrition programs; and/or
    - E) home health or other related programs;
  - 2) The applicant must document cooperation with and the written receipt of the endorsement of community groups including such as: but not limited to:

- 1A) social, economic or governmental organizations; and/or
- 2B) other concerned parties or groups.

- c) "Recommendation from the State Agencies Department of Mental Health and Developmentally Disabled" -- Review Criterion Criteria. An applicant proposing a facility for the developmentally disabled Any project involving the addition of beds or establishment of a new Category of Service must document contact with secure the recommendation of the Department of Mental Health and Developmental Disabilities and the Department of Public Aid. Such Documentation documentation must include proof that a request has been submitted to each agency requesting the agency determine a letter from the office of the Director of the Department of Mental Health and Developmentally Disabled stating the project's consistency with the long-range goals and objectives of the Department and requesting the identification of individuals in need of the service of Mental Health and Developmental Disabilities. Such a request must be made by certified mail return receipt requested and must occur within a 60-day period prior to the submission of this application.

- d) "Variances for Facilities for the Developmentally Disabled--Only"-- Review Criteria
- The following variances are recognized by the State Board as a basis for granting approval to a project for the "Developmentally Disabled" that is not in accord with computed bed need:
- i) "Accessibility" Variance:
    - A) Entitlement to this variance is dependent on the proposed project's documentation that the proposed project will be providing a specialized long-term care category of service for the "Developmentally Disabled" which is not readily accessible to the "Developmentally Disabled" of the given service or planning area; Factors affecting accessibility include but are not limited to:
      - i) the lack of beds for the treatment of the "Developmentally Disabled"; and/or

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- i) Admission--restrictions--which--exclude--the "Developmentally Disabled", and/or
  - iii) Limitations--on--the--number--of--public--aid residents/patients; and/or
  - iv) Restrictive admission policies by facilities currently existing in the area;
- B) In addition to the above, the proposed project must provide documentation that the proposed number of beds is justified and that the proposed project will achieve, within the first year of operation, an occupancy of 90% and that there are an available number of patients/residents needing the facility's services to meet this occupancy level;
- e) If the project is for an "Intermediate Care Facility for the Developmentally Disabled of Fifteen (15) Beds or less", the applicant must also provide documentation of the following:
- i) That the appropriate zoning permit or its equivalent (such as a "special use" permit or appropriate governmental approval) has been secured; and
  - ii) That any interested persons or groups from the community in which the facility is to be located have had the opportunity to provide input regarding the proposed project. Such documentation may include but is not limited to letters of support from interested persons or groups within the community;
- 2) "Redistribution of State-Operated Beds" Variance:
- A) The State Board recognizes that there may be a maldistribution of facilities within certain HSA's and encourages proposed projects that intend to replace and redistribute (on a one-to-one basis) any beds currently in operation in state-operated facilities to the private sector for the purpose of providing long-term care to the "Developmentally Disabled" on a community basis. Such one-to-one redistribution will be allowed only when no additional bed need exists;
  - B) Entitlement to this variance is dependent on the proposed project's documentation that the number of beds to be redistributed and added are needed in order to treat residents from the planning area currently receiving treatment at state-operated facilities; in addition, the Department of Mental Health and Developmental Disabilities must indicate which state-operated facilities and/or beds are to be taken out of service upon completion of the redistribution project;
  - E) No project for redistribution may receive entitlement to this variance or be approved when the current number of privately-operated existing beds in the service area exceeds the area's calculated bed need;
- de) "Long-Term Medical Care for Children Category of Service (Only)" --



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Review Criterion Criteria. The any applicant providing or proposing to provide this category of service and proposing to construct a new facility or an addition to an existing facility must document the following:

- 1) the "service or planning area" served by the facility and the size of the specialized population ages 0-18 years to be served within that geographic area. Such documentation must include, but is not limited to, any reports or studies done by the facility or outside group or agency showing the points of origin of patients/residents admitted to the facility, within a specified period of time (preferably for the latest 12 month period for which data is available); and
- 2) identification of the special programs and/or services to be provided or currently offered by the applicant facility and the relationship of such programs to the needs of the specialized population (as outlined above); and
- 3) insufficient service capability currently exists to meet this need; and

4) the number of beds in the proposed project is needed justified by providing documentation that the proposed project will achieve, within the first year of operation, an occupancy of at least 90 percent.

## e) Zoning--Review Criterion. The applicant must document that:

1) the property to be utilized has been zoned for the type of facility to be developed;

2) zoning approval has been received; or

3) a variance in zoning for the project is to be sought.

## f) Establishment of Chronic Mental Illness--Review Criterion. Documentation shall consist of a narrative statement detailing the scope of system changes which have brought about the need for the project and historical utilization of facilities involved. The applicant must document that:

1) all beds will be operated by the State of Illinois;

2) the resident population and type of resident/patient served has changed, necessitating the establishment or expansion of services in order to meet the needs of the facility's residents;

3) the project represents redistribution of existing beds from another facility due to closure of the facility or unit; and

4) admissions from the general public have increased over the last two-year period and the expansion is necessary in order to adequately serve the residents of the facility and the general public.

(Source: Amended, at 16 Ill. Reg. 16108, effective October 2, 1992)

SUBPART U: CATEGORY OF SERVICE REVIEW CRITERIA--HIGH LINEAR ENERGY TRANSFER (L.E.T.)

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## Section 1110.2030 High Linear Energy Transfer (L.E.T.)--Review Criteria

a) Initial Introduction--Review Criterion Criteria. The equipment must be located in Chicago.

b) Utilization of Equipment--Review Criterion. The applicant must document a minimum volume of at least 1,000 cases of new cancer patients eligible for radiation therapy per year from its or other facilities' ongoing cancer patients. Documentation shall consist of historical cancer caseload data and copies of all referral agreements. 1) The initial introduction of a B-877 Generator will allow the State Board, as well as the areawide health planning organizations, the opportunity to study data generated by the initial project, thus evaluating the efficacy of this technologically innovative equipment.

2) Because this equipment is experimental and costly, the Illinois Health Facilities Planning Board has determined that for the period of study and data collection there be just one piece of this equipment allowed in the State of Illinois for facilities subject to the Act.

3)

A) it is believed that this equipment would be most appropriately placed in Chicago, since it has the highest concentration of population which would require such services.

AGENCY--NOV8--Department of Health, Education and Welfare Guidelines printed January 15, 1979, p. 11.

B) The Department of Health and Human Services recommends that each facility offering the service be able to document at least 1,000 cases of new cancer patients eligible for radiation therapy per year from its ongoing cancer patients.

gb) Appropriate Medical and Related Services to be Provided--Review Criterion Criteria

1) Medical and Related Services

A) The applicant must document the availability of specialists adequately trained in radiation therapy specialists. This staff must include to the following:

i) Radiation Oncologist(s)

ii) Radiological Physicist(s)

iii) Nurse(s)

iv) Computer Science Analyst(s)

v) Radiation Therapy Technologist(s)

vi) Mechanical-Electrical Engineer(s)

B) Documentation shall include: a statement concerning proposed staffing patterns for the service and the names, qualifications, and specialties of individuals who will staff the service.

2) Support Services

Kent Law



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The applicant facilities which provide these services must document provide that each cancer patient has have or will have access to specialty services which can contribute to the diagnosis and treatment of his or her disease. Facilities shall provide for a multidisciplinary management approach for the treatment of cancer which includes such services as the applicant must document oncologic diagnostic radiology, chemotherapy, surgery, rehabilitation and appropriate psychological and social support services will be available.

3) Multi-Institutional Systems

The applicant must document that the proposed project will result in the establishment of a multi-institutional system with regard to the utilization of high linear energy transfer generators. Documentation shall include letters from other providers indicating they will refer patients to the applicant, and statements from other area providers that they will not duplicate the proposed service as shown in their capital budgets.

dc) Data Collection--Review Criterion Criteria. If the applicant must document the availability of the State Board recognizes the need to gather and share information to evaluate the efficacy of the use of high linear energy transfer generators in cancer patient treatment, therefore no application for permit will be approved unless documentation is provided indicating that a cancer or tumor registry will be utilized in the applicant facility. Documentation shall consist of a written certification as to the existence of such a registry.

2) The applicant must provide utilization data, clinical data and reports of clinical efficacy in comparison to other forms of therapeutic modalities as requested by the State Agency.

dt) Additional Acquisition--Review Criterion

The State Board does not recognize a need for additional acquisition beyond the number specified in Subsection (a)(3) above.

(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)

SUBPART X: CATEGORY OF SERVICE REVIEW CRITERIA--SELECTED EXTRA-RENAL ORGAN TRANSPLANTATION

Section 1110.2310 Introduction

Subpart X contains review criteria which pertain to the selected extra-renal organ transplantation category of service. These review criteria are utilized in addition to the "General Review Criteria" outlined in Subpart C and any other applicable Review Criteria outlined in Subparts D and E.

(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)

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Section 1110.2320 Selected Extra-Renal Organ Transplantation--Definitions

a) The selected extra-renal organ transplantation service means a category of service relating to the surgical transplantation of any of the following human organs: heart, lung, heart-lung, liver or pancreas.

b) An selected extra-renal organ transplantation center means a hospital which provides staffing and other adult or pediatric medical and surgical specialty services required for the care of a heart, lung, heart-lung, liver or pancreas an-extra-renal transplant patient.

c) A Teaching Institution for the purpose of this Subpart Subpart means a hospital having a major relationship with a medical school as defined and listed in the current "Directory of Residency Training Programs" developed by the American Medical Association, 535 Dearborn, Chicago, Illinois 60610 and the National Organ Procurement and Transplantation Network.

(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)

Section 1110.2330 Selected Extra-Renal Organ Transplantation--Review Criteria

a) Establishment of a Program -- Review Criterion Criteria

1) The Any applicant proposing establishment of the extra-renal category of organ transplantation category of service must document the following:

A) the applicant facility is a teaching institution; and

B) the transplantation program will be performed in conjunction with graduate medical education.

2) Documentation shall consist of a written agreement between the applicant and the medical school detailing the relationship of the transplantation program to graduate medical education initiatives and compliance with the medical education general review criterion.

Agency Note: The applicant must also address the general review criterion on medical education.

b) Physical Facilities -- Review Criterion Criteria. The Any applicant proposing establishment of the extra-renal organ transplantation category of service must document have available sufficient operating and recovery room resources, intensive care resources and personnel to operate the transplant program as reflected in the norms found in Appendix B of Part 1110.

c) Access to Donor Organs -- Review Criterion Criteria. The applicant transplant programs must document have access to donor organs. This must be accomplished by membership in the National Organ Procurement and Transplantation Network and in a Regional Organ Procurement Agency.

d) Recipient Selection -- Review Criterion Criteria. The Any applicant



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proposing--establishment--of--the--extra-renal--organ--transplantation category of--service must provide a copy of its procedures for selecting transplant candidates and distribution of organs.

- e) Surgical Staff -- Review Criterion Extra-renal. The Any applicant proposing--organ--transplantation must document that the facility has on staff transplant surgeon(s) appropriately certified in the applicable specialty and that each has had a minimum of one year of training and experience in transplant surgery, post-operative care, long-term management of organ recipients and the immunosuppressive management of transplant patients. Documentation shall consist of certification by the hospital administrator that the personnel with the appropriate certification and experience are on the hospital staff.

- f) Collaborative Support -- Review Criterion Extra-renal. The applicant A transplant--program must document show--evidence--of collaboration collaborative--involvement with experts in the fields of hepatology, cardiology, pediatrics, infectious disease, nephrology with dialysis capability, pulmonary medicine with respiratory therapy support, pathology, immunology, anesthesiology, physical therapy, and rehabilitation medicine. Documentation of collaborate involvement shall include, but not be limited to, a plan of operation detailing the interaction of the transplant program and the stated specialty areas.

- g) Ancillary Services -- Review Criterion Extra-renal. The applicant A transplant--program must document have on site on-site access to microbiology, clinical chemistry, radiology, blood bank and resources facilities required to monitoring monitor use of immunosuppressive drugs. The applicant facility must also have access to tissue typing services and be able to provide psychiatric and social counseling for the transplant recipient and for their families.

- h) Data -- Review Criterion Extra-renal. The Any applicant for--the extra-renal--organ--transplantation--category of--service must document state that information on finances (cost and charges) and on graft and patient outcomes will be provided to the Department of Public Health including--the--National--Organ--Procurement--and--transplantation--Network and--the--Experimental--Organ--transplantation--Procedure--Board.

(Source: Amended at 16 Ill. Reg. 16108, effective October 2, 1992)

SUBPART Y: CATEGORY OF SERVICE REVIEW CRITERIA--KIDNEY TRANSPLANTATION

Section 1110.2410 Introduction

Subpart Y contains Review Criteria which pertain to the Kidney Transplantation category of service. These review criteria are utilized in addition to the "General Review Criteria" outlined in Subpart C and any other applicable Review Criteria outlined in Subparts D and E.

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(Source: Added at 16 Ill. Reg. 16108, effective October 2, 1992)

Section 1110.2420 Kidney Transplantation--Definitions

- a) Kidney Transplantation is a category of service which involves the surgical replacement of a nonfunctioning human kidney with a donor kidney in order to restore renal function to the patient.

- b) Kidney Transplantation Center means a hospital which directly furnishes transplantation and other medical and surgical specialty services required for the care of the kidney transplant patient, including inpatient dialysis furnished directly or under arrangement.

(Source: Added at 16 Ill. Reg. 16108, effective October 2, 1992)

Section 1110.2430 Kidney Transplantation--Review Criteria

- a) Establishment of Facilities--Review Criterion. The applicant must document that each existing renal transplantation center is serving a population base of more than two million people with the performance of 25 or more transplants per year and that an unserved population of at least two million people exists within three hours travel time. Documentation shall consist of travel time studies involving all existing service providers.

- b) Kidney Transplantation Center--Review Criterion. The applicant must document that the following are available on premises: laboratory services, social services, dietetic services and self-care dialysis support services, inpatient dialysis services, pharmacy, specialized blood facilities (including tissue typing). The applicant must also document participation of the center in a recipient registry. Documentation shall consist of a certification as to the availability of such services and participation in a recipient registry.

- c) Affiliation Agreements--Review Criterion. The applicant must document that the transplantation center is a teaching institution (see Section 1110.2320(c)).

(Source: Added at 16 Ill. Reg. 16108, effective October 2, 1992)



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1) Heading of the Part: Non-Homemaker Service Provider Requirements

2) Code Citation: 89 Ill. Adm. Code 714

3) Section Numbers: Adopted Action:

714.30      Amendment  
714.100      Amendment  
714.110      Amendment  
714.120      Amendment  
714.130      Amendment  
714.300      Amendment  
714.310      Amendment

4) Statutory Authority: Implementing and authorized by Section 3(g) of The Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)).

5) Effective Date of Rule(s) (Amendments, Repealer): October 1, 1992

6) Does this rulemaking contain an automatic repeal date?  
— Yes X No

7) Does this rule (amendment, repealer) contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: October 1, 1992

9) Notice of Proposal Published in Illinois Register:

February 28, 1992, 16 Ill. Reg. 3067  
(issue date)

10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:

A) Statement of Objection: \_\_\_\_\_, \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)

B) Agency Response: \_\_\_\_\_, \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)

C) Date Agency Response Submitted for Approval to JCAR:

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11) Difference(s) between proposal and final version: The Title of Section 714.310 was changed to "Client/Provider Agreement" and, in the same Section, "Personal Assistant Agreement" was changed to "Client/Provider Agreement."

Further, all Illinois Revised Statute references were updated to 1991 and minor style changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an Emergency Rule(s) currently in effect? No

14) Are there any amendments pending on this Part: No

Section Numbers Proposed Action Illinois Register Citation

15) Summary and Purpose of Rule(s): 714.30 - Clarifies and expands the minimum requirements of Emergency Home Response Services which may be provided to HSP clients.

714.100 - states DORS incorporates Department of Aging's (DOA's) rules as they apply to the staffing of Adult Day Care (ADC) centers.

714.110 - states DORS incorporates DOA's rules on ADC standards and enumerates further standards for ADC centers which will be approved to provide services to DORS clients.

714.120 - updates citations to referenced DOA rules.

714.130 - clarifies and expands the information as it relates to the annual compliance review performed by DORS on ADC providers.

714.300 - this new section lists the standards an individual must be to be a Personal Assistant (PA) for a client of HSP.

714.310 - revises information pertaining to the PA Agreement which must be signed by a PA and client prior to the initiation of PA services through HSP.

16) Information and answers to questions regarding this adopted rule shall be directed to:



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Ms. Susan Warrner, Manager  
 Regulations and Procedures Division  
 Department of Rehabilitation Services  
 P.O. Box 19429  
 Springfield, Illinois 62794-9429  
 Telephone number: (217) 785-3896  
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TITLE 89: SOCIAL SERVICES  
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
 SUBCHAPTER d: HOME SERVICES PROGRAM

PART 714  
 NON-HOMEMAKER SERVICE PROVIDER REQUIREMENTS

SUBPART A: ELECTRONIC HOME RESPONSE SERVICES  
 PROVIDER REQUIREMENTS

Section  
 714.10  
 714.20  
 714.30  
 714.40

Minimum Performance Standards  
 Electronic Home Response Center (EHRC) Equipment  
 Specifications (Central Station Receiving Equipment)  
 Electronic Home Response Service (EHRS) Home Unit  
 Specifications  
 Compliance Requirements

SUBPART B: DAY CARE SERVICE PROVIDER REQUIREMENTS

Section  
 714.100  
 714.110  
 714.120  
 714.130

Staffing of Adult Day Care Service Component  
 Standard Requirements for Adult Day Care Providers  
 Adult Day Care Staff Positions, Qualifications and  
 Responsibilities  
 Annual Compliance Review

SUBPART C: PERSONAL ASSISTANT REQUIREMENTS

Section  
 714.300  
 714.310  
 714.320

Personal Assistant (PA) Standards  
 Personal Assistant Agreement Client/Provider  
 Agreement  
 Annual Compliance Monitoring

AUTHORITY: Implementing and authorized by Section 3(g) of The  
 Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch.  
 23, par. 3434(g))

SOURCE: Adopted at 11 Ill. Reg. 7413, effective April 7, 1987;  
 amended at 13 Ill. Reg. 8911, effective May 26, 1989; amended at  
 13 Ill. Reg. 15091, effective September 8, 1989; amended at 14  
 Ill. Reg. 3652, effective February 21, 1990; amended at 16 Ill.  
 Reg. 16179, effective October 1, 1992.

Section 714.30 Electronic Home Response Service (EHRS) Home  
 Unit Specifications

a) General Description

The full text of Adopted Amendments begins on the next page:



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Home units are attached to an individual's home phone line and are programmed in such a way that, in an emergency, a client can press a small, wireless, remote switch or button which he/she wears and which will activate the unit to summon help. (The type of home unit remote control can vary, based on client's needs, to instead utilize sip and puff, patient down, or other features.) which--he/she--wears and--which--will--activate--the--unit--to--summon--help. The unit must have the ability to send a signal when help arrives at the individual's home.

b) Minimum Performance Features For Home Unit:

1) Two components are involved. The first is a small, wireless Personal Help Button. The second is a communicator which is attached to the person's phone line and, when activated, will dial a predetermined phone number and send an electronic message. There may be a long distance charge if client does not reside in area of EHRS.

2) Personal Help Button

The Personal Help button is sufficiently small to be worn as a pendant or like a wristwatch. It must have the following characteristics:

- A) Crystal or Surface Acoustic Wave resonator (SAW) controlled transmitter frequency for long term reliability.
- B) Digital encoding for 10 or more combinations.
- C) When--pressed--(activated),---it---will activate the person's---home communicator within 175 feet of the person's Home Communicator when pressed (activated).
- D) Internal battery life of 5 years.
- E) Low battery signal transmission.
- F) Certification under 47 CFR 15, October 1, 1985, with no later amendments.
- 3) Minimum standards required of the communicator are:

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A) The communicator is an integrated unit for the home that connects to the person's phone line through a modular jack, and to the alternating current power source through an Underwriters Laboratory approved plug-in transformer.

B) The communicator is attached to the telephone line and does not interfere with normal use of the telephone. It has the capability of automatically seizing the telephone line, even when an extension phone is off the hook, dialing the number of the EHRC Electronic Home Response Center (EHRC) and sending a digital message identifying the person signaling, and, if applicable, indicating whether the signal is an active emergency (button pressed) or reset signal.

C) The communicator looks for a "ready" signal to insure that it is on line with the EHRC and a "confirmation" signal to insure that the message has been verified. If either of these signals is not received, the unit will "hang up" and try again.

D) The system is useful to both the visually and hearing impaired. When the communicator is activated, it gives both visual and audible indications of the alarm condition.

E) The controls of the communicator are easily explainable and usable by persons with disabilities. It must be possible to abort signals.

F) The communicator has a battery to provide at least 12 hours of operation in the event of a power failure. This battery is continuously charged when power is on. Should the battery become discharged, the communicator will send in a coded message to indicate a low battery condition.

G) The communicator must be certified under 47 CFR 68 and 15, October 1, 1985, with no later amendments or editions.



(Source: Amended at 16 Ill. Reg. 16179, effective October 1, 1992)

SUBPART B: DAY CARE SERVICE PROVIDER REQUIREMENTS

Section 714.100 Staffing of Adult Day Care Service Component

The Department of Rehabilitation Services (DORS) incorporates the Department on Aging's (DoA) rules, General Staffing-of Adult Day Care Service---Component---rules Staffing Requirements as set forth in--DoA's--rate at 89 Ill. Adm. Code 240.965 1555.

(Source: Amended at 16 Ill. Reg. 16179, effective October 1, 1992)

Section 714.110 Standard Requirements for Adult Day Care Providers

a) DORS shall require its Adult Day Care Providers to comply with incorporates--by--reference--the DoA's Standard Requirements for Adult Day Care Vendors as set forth in 89 Ill. Adm. Code 240.1550.

b) In addition, aAdult dDay eCare Providers (Providers) must agree to provide the following services:

1)---ensure---that---prescribed---medication---is administered---to---clients---who---are---unable---to self-administer---medications.---Judgment---of---a client's---inability---to---self-administer---medications will---be---documented---by---a---physician---or---nurse licensed---under---the---Medical---Practice---Act---of---1987 (Ill.---Rev.---Stat.---1987---ch.---111,---par.---4400-1---et seq.)---or---the---Illinois---Nursing---Act---of---1987---(Ill. Rev.---Stat.---1987---ch.---111,---par.---3501---et---seq.) and/or---the---DORS---Home---Services---care---plan---(89-Ill. Adm.-Code-780)7

2)---comply---with---the---standards---set---forth---in---the Illinois---Accessibility---Code---(71-Ill.-Adm.-Code-400)7; and

3)---have---established---procedures---for---reporting loss---or---injury---agency---contact,---forms,---and follow-up.

1) developing a client care plan;

2) assisting or arranging for personal care, hygiene and self-care training, if applicable;

3) leisure time activities and recreation;

4) assistance of a medical nature (medication, assessments, exercises);

5) meals and snacks; and

6) maintaining client records.

c) Staff. In addition to the provisions of Section 714.100, the Provider shall employ a:

1) full-time Program Administrator;

2) the equivalent of a full-time Program Coordinator/Director;

3) Program Nurse, at least part-time who is on duty at least a portion of every standard work day; and

4) Nutrition Staff.

d) The Provider shall be in compliance with:

1) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794);

2) Illinois Human Rights Act (Ill. Rev. Stat. 1991, ch. 68, pars. 1-101 et seq.);

3) the Illinois Accessibility Code (71 Ill. Adm. Code 400); and

4) the Americans with Disabilities Act (42 U.S.C. 12101-12213).

e) The Provider shall record administration of all medications and ensure that prescribed medication is administered to clients who are unable to self-administer medications. Judgement of a client's inability to self-administer medications will be documented by a physician licensed under the Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.), by a nurse licensed under the



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Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 3501 et seq.) or the DORS Home Services care plan (89 Ill. Adm. Code 700).

- f) The Provider must have a record of how much pre-service training each employee has had and a record of in-service training of 12 hours/year for staff.

(Source: Amended at 16 Ill. Reg. 16179, effective October 1, 1992)

Section 714.120 Adult Day Care Staff Positions, Qualifications and Responsibilities

Standards applied by DORS to adult day care staff positions, qualifications and responsibilities are those as set forth in DoA's rule 89 Ill. Adm. Code 240.966 1560, with the following modifications:

- a) in 89 Ill. Adm. Code 240.966 1560(a)(1)(A)(ii), substitute "programs serving people with disabilities" for "programs serving the elderly", and
- b) in 89 Ill. Adm. Code 240.966 1560(a)(2)(A)(ii), substitute "programs serving people with disabilities" for "programs serving the elderly."

(Source: Amended at 16 Ill. Reg. 16179, effective October 1, 1992)

Section 714.130 Annual Compliance Review

DORS shall complete an annual review of each Adult Day Care (ADC) provider who has provided services to DORS clients during the preceding year, to ensure the provider's compliance with requirements contained within Subpart B.

- a) The annual review shall be conducted on-site by the appropriate DORS Regional Administrator, or designee using the Adult Day Care Review form (IL 488-2129). Written notification of the visit shall be sent to the provider.

- b) Within 15 calendar days after completion of the review, a copy of the completed Review form and a cover letter

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stating the results shall be mailed to the Provider. Findings of non-compliance shall be noted in the letter including necessary action (e.g., need to hire a Program Nurse or increase its public liability insurance), time frames for complying and related follow-up (e.g., on-site visit, correspondence).

- 1) Providers in compliance shall receive an ADC Rate Agreement.

- 2) Providers not in compliance will not receive a Rate Agreement and must reapply as a new Provider.

- c) Providers not in compliance may appeal their rating by writing to the Manager of HSP Services. The HSP Manager shall review the review results, discuss the issue(s) with the Provider and HSP staff, and render a written decision on the appeal within 15 working days after receipt of the appeal.

(Source: Amended at 16 Ill. Reg. 16179, effective October 1, 1992)

SUBPART C: PERSONAL ASSISTANT REQUIREMENTS

Section 714.300 Personal Assistant (PA) Standards

The PA shall have a Social Security number and must:

- a) provide DORS with a copy of the Social Security card or other document that will verify this number.

- b) be at least 16 years of age and not employed during school hours, 17 years of age and a high school graduate, or 18 years of age or older.

- c) have:

- 1) at least two recommendations, oral or written, from former or present employers,

- 2) the recommendation of an Independent Living Center, or

- 3) if never employed, at least two references from people other than relatives.



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- d) be able to communicate with the client to the satisfaction of the client or client's representative (when the client is unable to make decisions or speak on his or her own behalf) and counselor.
- e) be able to follow directions to the satisfaction of the client or client's representative and counselor.
- f) complete and sign the Personal Assistant Agreement as specified in Section 714.310.
- g) have experience and/or specific training consistent with the tasks performed for the client in the home.

(Source: Added at 16 Ill. Reg. 16179, effective October 1, 1992)

## Section 714.310 Client/Provider Agreement

## The PA shall:

- a) provide services in accordance with the client's service plan, as developed per 89 Ill. Adm. Code 700.100 (Service Plan Development).
- b) keep a record of hours worked and wages earned per client for each month and submit a monthly statement signed by the PA and each client verifying the amount of hours worked and wages earned. DORS shall not pay for more hours than authorized unless the client has received prior approval from DORS (e.g., episodes of acute illness requiring more care and the temporary absence of informal caregivers such as friends or family members requiring a temporary increase in purchased care).
- c) make available records in subsection (b) to DORS or to others designated by DORS (e.g., Health Care Financing Administration or Illinois Department of Public Aid).
- d) maintain all client information as confidential by not disclosing any information about clients, orally or in writing, to anyone other than those designated in writing by DORS staff.
- e) not subcontract the services to another individual or entity.

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- f) provide services only while the client resides in the home. If the client moves from his/her home for any reason or is hospitalized or institutionalized, services shall not be provided.
- g) agree to the following and sign a Client/Provider Agreement, as specified in this Section. As the PA's ~~employer~~ consumer of Personal Assistant Services, the client is responsible for locating, choosing ~~and hiring~~, supervising, training, and disciplining ~~and firing~~, if necessary, the PA. ~~Benefits are not available through the State of Illinois does not provide paid vacation, holiday, or sick leave. including but not limited to worker's compensation, insurance, vacation or holiday pay, and sick leave.~~ Arrangements for schedules or time off shall be made by the client and the PA, but shall need to be reported to DORS per the Home Services Authorization of Services form (IL 488-1844) only for the sole purpose of processing payment. DORS reports to the Illinois Department of Employment Security (DES) payments made to the PA. A PA may choose to apply for unemployment benefits, but DES, not DORS, determines if the provider will receive benefits. The PA may apply for workers' compensation benefits, through DORS, and some clients may have workers' compensation insurance; however, DORS maintains it is not the PA's employer for the purposes of workers' compensation. No money will be withheld from the PA's wages by DORS for federal or state income taxes, or for any other purpose, except in accordance with administrative or judicial orders (e.g., court ordered child support or garnishment of wages). However, social security tax (FICA) shall be withheld by DORS on behalf of the client.

(Source: Amended at 16 Ill. Reg. 16179, effective October 1, 1992)



## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF EMERGENCY RULES

1) Heading of Part: Processing Claims for Payment from the Underground Storage Tank Fund

2) Code Citation: 35 Ill. Adm. Code 876

3) Section Numbers: Emergency Action:

876.100 New Section  
876.105 New Section  
876.110 New Section  
876.200 New Section

4) Statutory Authority: Implementing and authorized by Section 22.18b of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1022.18b).

5) Effective Date of Rule(s): October 6, 1992

6) Date Filed in Agency's Principal Office: October 6, 1992

7) Reason for Emergency: The decreasing level of the Underground Storage Tank Fund requires prioritization for processing claims for payment.

8) A Complete Description of the Subjects and Issues Involved:

- a) The emergency rules provide a system for processing claims for payment from the Underground Storage Tank Fund.

9) Are there any amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rule does not create or enlarge a mandate under Section 3 of the State Mandates Act, Ill. Rev. Stat. 1991, ch. 85, par. 2203.

11) Information and questions regarding this rule shall be directed to:

Todd Rettig  
Jeanne Heaton  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

The full text of the emergency rule is as follows:

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF EMERGENCY RULES

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE HANDLING AND DISPOSAL  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

## PART 876

## PROCESSING CLAIMS FOR PAYMENT FROM THE UNDERGROUND STORAGE TANK FUND

## SUBPART A: GENERAL

Section  
876.100 Applicability  
EMERGENCY  
876.105 Severability  
EMERGENCY  
876.110 Definitions  
EMERGENCY

## SUBPART B: REQUIREMENTS FOR PROCESSING CLAIMS

Section  
876.200 Payment Prioritization  
EMERGENCY

AUTHORITY: Implementing and authorized by Section 22.18b of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1022.18b).

SOURCE: Emergency Rule adopted 16 Ill. Reg. 16191, effective Oct. 6, 1992, for a maximum of 150 days.

NOTE: Capitalization denotes statutory language.

## SUBPART A: GENERAL

Section 876.100 Applicability  
EMERGENCY

This Part sets forth rules establishing procedures and requirements relative to the submission of claims for payment from the Underground Storage Tank Fund of costs of corrective action or indemnification incurred by owners or operators of underground storage tanks as a result of a release of petroleum from underground storage tanks.

Section 876.105 Severability  
EMERGENCY

If any Section, subsection, sentence or clause of this Part shall be adjudged unconstitutional, invalid or otherwise not effective for any reason, such adjudication shall not affect the validity of this Part as a whole or of any



ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

- C) An accounting of all costs, in a form prescribed and provided by the Agency, demonstrating that the costs incurred to perform the corrective action were reasonable;
- D) Proof of payment of the applicable deductible amount;
- E) An owner or operator billing certification on a form prescribed and provided by the Agency; and
- F) A corrective action plan certification, on a form prescribed and provided by the Agency, by a professional engineer who has been registered pursuant to "An Act to regulate the practice of Professional Engineering (Ill. Rev. Stat. 1991, ch. 111, par. 5101 et seq.).

2) A complete request for partial or final payment may be submitted no sooner than 90 days after the owner or operator submits both an eligibility and deductible application, on forms prescribed and provided by the Agency, and a corrective action plan.

3) If the owner or operator appeals a final Agency payment determination before the Board, and the Board determines the owner or operator is eligible for payment or additional payment, the priority date for the owner or operator's claim will be based on the date of the Board final order and opinion.

c) The owner or operator must obtain written Agency approval of a corrective action plan prior to commencing any corrective action activities, except that the owner or operator may incur corrective action costs prior to approval of a corrective action plan for costs associated with:

- 1) preparing a 20 day report pursuant to 35 Ill. Adm. Code 731.162;
- 2) preparing a 45 day report pursuant to 35 Ill. Adm. Code 731.163; or
- 3) preparing a corrective action plan pursuant to 35 Ill. Adm. Code 731.166.

d) Eligibility and deductible applications and corrective action plans shall be sent to the Agency as follows:

LUST Eligibility and Deductible Determinations  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land  
Illinois Environmental Protection Agency  
2200 Churchill Road

ENVIRONMENTAL PROTECTION AGENCY

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Section, subsection, sentence or clause thereof not unconstitutional, invalid or otherwise not effective for any reason.

Section 876.110 Definitions  
EMERGENCY

For purposes of this Part, except as the context clearly requires otherwise, the words and terms used in this Part shall have the meanings given in 35 Ill. Adm. Code 731. Words and terms not defined in 35 Ill. Adm. Code 731 shall have the meanings set forth in the Act.

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1001 et seq.)

SUBPART B: REQUIREMENTS FOR PROCESSING CLAIMS

Section 876.200 Processing Prioritization  
EMERGENCY

a) UPON RECEIPT OF NOTIFICATION FROM THE AGENCY THAT THE REQUIREMENTS OF THIS SECTION HAVE BEEN MET, THE COMPTROLLER SHALL MAKE PAYMENT TO THE OWNER OR OPERATOR OF THE AMOUNT APPROVED BY THE AGENCY, IF SUFFICIENT MONEY EXISTS IN THE FUND IN EXCESS OF AMOUNTS APPROPRIATED FOR ADMINISTERING THE ACTIVITIES OF THE AGENCY, THE STATE FIRE MARSHAL AND THE DEPARTMENT OF REVENUE RELATIVE TO THE FUND. IF THERE IS INSUFFICIENT MONEY IN THE FUND, THEN PAYMENT SHALL NOT BE PAID; HOWEVER, SUCH PAYMENTS MAY BE PAID IF SUFFICIENT MONEY LATER BECOMES AVAILABLE. (Section 22.18b(d)(1) of the Act)

IN NO CASE SHALL THE FUND OR THE STATE OF ILLINOIS BE LIABLE TO PAY CLAIMS OR REQUESTS FOR COSTS OF CORRECTIVE ACTION OR INDEMNIFICATION IF MONEY IN THE FUND IS INSUFFICIENT TO MEET SUCH CLAIMS OR REQUESTS. (Section 22.18b(d)(2) of the Act)

b) The priority for processing claims will be based on the date that a complete request for partial or final payment is received from the owner or operator by the Remedial Projects Accounting and Procurement Unit, Division of Remediation Management, Bureau of Land, Illinois Environmental Protection Agency.

1) For purposes of processing prioritization, a complete request for partial or final payment must contain:

- A) Proof of an Agency approved corrective action plan;
- B) Proof of an Agency determination of eligibility pursuant to Section 22.18b(a) of the Act;



## ENVIRONMENTAL PROTECTION AGENCY

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P.O. Box 19276  
Springfield, Illinois 62794-9276

- e) Requests for payment under this Part shall be sent to the Agency as follows:

LUST Payment Request  
Remedial Projects Accounting & Procurement Unit  
Division of Remediation Management  
Bureau of Land  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, Illinois 62794-9276

- f) If the owner or operator fails to comply with any subsection of this Subpart any request for partial or final payment will not be processed for payment.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Real Estate Appraiser Certification  
2) Code Citation: 68 Ill. Adm. Code 1455  
3) Section Numbers:  
1455.10 New Section  
1455.15 New Section  
1455.20 New Section  
1455.30 New Section  
1455.40 New Section  
1455.50 New Section  
1455.60 New Section  
1455.70 New Section  
1455.200 New Section  
1455.210 New Section  
Emergency Action:  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, par. 5836.5.

- 5) Effective Date of Rules: September 30, 1992

- 6) If these emergency Rules are to expire before the end of the 150-day period, please specify the date on which it will expire. These emergency Rules are to expire when the proposed Rules are adopted.

- 7) Date Filed in Agency's Principal Office: September 29, 1992.

- 8) Reason for Emergency: Effective January 1, 1993, anyone wishing to perform real estate appraisals under Title XI of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989, as amended, must hold a state real estate appraiser's license or certificate. Emergency rules are necessary for the Department to start processing applications so that Illinois appraisers can qualify to perform federally related transactions in this State. To not have Illinois appraisers qualified by the deadline to perform federally related appraisals would constitute a threat to the public interest. Although appraisal certification in Illinois has been authorized since December 1, 1989, subsequent changes in federal law delayed implementation. Public Act 87-1193, effective upon being signed by the Governor on September 24, 1992, amended the Real Estate License Act of 1983 to create certification categories for appraisers and establish qualifications for each category, enabling the Department to proceed with this rulemaking.

- 9) A Complete Description of the Subjects and Issues Involved: This rulemaking sets education and experience requirements and establishes application procedures for a State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser and Certified General Real Estate Appraiser.



DEPARTMENT OF PROFESSIONAL REGULATION

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Sections 1455.60 and 1455.70 give circumstances under which nonresidents of Illinois can obtain licensure or certification in this State or be issued a temporary appraisal practice permit.

Sections 1455.200 and 1455.210 set requirements for appraisal education providers and establish their various fees.

Section 1455.15 incorporates by reference the Uniform Standards of Professional Appraisal Practice (USPAP).

10) Are there any proposed Amendments to this Part pending: Yes

| Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|----------------------------|
| 1455.10         | New Section     | 16 Ill. Reg. _____         |
| 1455.15         | New Section     | 16 Ill. Reg. _____         |
| 1455.20         | New Section     | 16 Ill. Reg. _____         |
| 1455.30         | New Section     | 16 Ill. Reg. _____         |
| 1455.40         | New Section     | 16 Ill. Reg. _____         |
| 1455.50         | New Section     | 16 Ill. Reg. _____         |
| 1455.60         | New Section     | 16 Ill. Reg. _____         |
| 1455.70         | New Section     | 16 Ill. Reg. _____         |
| 1455.200        | New Section     | 16 Ill. Reg. _____         |
| 1455.210        | New Section     | 16 Ill. Reg. _____         |
| 1455.300        | New Section     | 16 Ill. Reg. _____         |
| 1450.310        | New Section     | 16 Ill. Reg. _____         |

11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.

12) Information and questions regarding these Rules shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0810

The full text of the Emergency Rules begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1455

REAL ESTATE APPRAISER CERTIFICATION

SUBPART A: RESIDENTIAL AND GENERAL CERTIFICATION

|                 |   |
|-----------------|---|
| Section 1455.10 | Definitions   |
| EMERGENCY       |   |
| 1455.15         | Uniform Standards of Professional Appraisal Practice  |
| EMERGENCY       |   |
| 1455.20         | Education and Experience Requirements for State Licensed Real Estate Appraiser  |
| EMERGENCY       |   |
| 1455.30         | Education and Experience Requirements for Certified Residential and Certified General Real Estate Appraiser                                   |
| EMERGENCY       |   |
| 1455.40         | Application as a State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser or Certified General Real Estate Appraiser |
| EMERGENCY       |   |
| 1455.50         | Examination   |
| EMERGENCY       |   |
| 1455.60         | Nonresident Licensure/Certification   |
| EMERGENCY       |   |
| 1455.70         | Nonresident/Temporary Practice  |
| EMERGENCY       |   |

SUBPART B: EDUCATION PROVIDERS

|           |                                 |
|-----------|---------------------------------|
| 1455.200  | Approval of Education Providers |
| EMERGENCY |                                 |
| 1455.210  | Fees - Education Providers      |
| EMERGENCY |                                 |

AUTHORITY: Implementing Article 2 of the Real Estate License Act of 1983 (Ill. Rev. Stat. 1991, ch. 111, par. 5836.01 et seq., as amended by Public Act 87-1193, effective September 24, 1992) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7)).

SOURCE: Emergency rules adopted at 16 Ill. Reg. 16196 effective September 30, 1992, for a maximum of 150 days.



## DEPARTMENT OF PROFESSIONAL REGULATION

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY RULES

## NOTICE OF EMERGENCY RULES

## SUBPART A: CERTIFICATION

Section 1455.10 Definitions  
EMERGENCY

"Act" means the Real Estate License Act of 1983 (Ill. Rev. Stat. 1991, ch. 111, par. 5801 et seq.).

"Appraisal" or "real estate appraisal" means an analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate, for or in expectation of compensation. An appraisal may be classified by purpose into either a valuation or an analysis. A "valuation" is an estimate of the value of real estate or real property. An "analysis" is a study of real estate or real property other than estimating value.

"Appraisal Administrator" or "Administrator" means the person appointed by the Director, in accordance with Section 36.2a of Article 2 of the Real Estate License Act of 1983, to administer the Illinois appraisal program.

"Appraisal Consulting" is the act or process of providing information, analysis of real estate data and recommendations or conclusions on diversified problems in real estate, other than estimating value.

"Appraisal Qualification Board" is a committee of the Appraisal Foundation established by Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989.

"Appraisal Report" means any written communication of an appraisal.

"Appraisal Standard Board" is a committee of the Appraisal Foundation established by Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989.

"Appraisal Subcommittee" means the federal Appraisal Subcommittee established by Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. Chapter 34A).

"Appraiser" or "real estate appraiser" means any person who inspects, analyzes, or renders an opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate, for or in expectation of compensation.

"Certified General Real Estate Appraiser" means a real estate appraiser who holds a current, valid Certified General real estate appraiser's certificate issued under Article 2 of the Act.

"Certified Residential Real Estate Appraiser" means a real estate appraiser who holds a current, valid Certified Residential real estate appraiser's certificate issued under Article 2 of the Act.

"Committee" means the Real Estate Appraisal Committee established in Section 36.3 of the Act.

"Department" means the Department of Professional Regulation.

"Director" means the Director of the Department of Professional Regulation.

"Federally Related Transaction" means any real estate related financial transaction that:

a federal financial institution's regulatory agency or the Resolution Trust Corporation engages in, contracts for, or regulates and requires the services of an appraiser; or

any other real estate related financial transaction for which a licensed or certified real estate appraiser is required under federal law or regulations.

"Federal Financial Institutions Regulatory Agencies (FFIRA)" means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision and the National Credit Union Administration.

"Mass Appraisals" is defined as the process of valuing a universe of properties as of a given date, utilizing standard methodology, employing common data and allowing for statistical testing.

"Real Estate" means an identified parcel or tract of land, including improvements, if any.

"Real Estate Related Financial Transaction" means any transaction involving:

the sale, lease, purchase, investment in or exchange of real property, or the financing thereof;

the refinancing of real property or interests in real property; or

the use of real property or interests in property as security for a loan or investment, including mortgage-backed securities.



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY RULES

"Real Property" means one or more defined interests, benefits and rights inherent in the ownership of real estate.

"State Licensed Real Estate Appraiser" means a real estate appraiser who holds a current, valid real estate appraiser's license issued under Article 2 of the Act.

"USPAP" means the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of the Appraisal Foundation.

Section 1455.15 Uniform Standards of Professional Appraisal Practice  
EMERGENCY

- a) The Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of the Appraisal Foundation, 1029 Vermont Avenue, N.W., Suite 900, Washington, D.C. 20005, 1992, are hereby incorporated by reference.
- b) Real Estate Appraisers licensed/certified under the Act shall practice in accordance with USPAP standards.
- c) A copy of this publication is available at cost from the Real Estate Appraisal Administrator's office, Department of Professional Regulation, located at 320 West Washington, Springfield, Illinois 62786.

Section 1455.20 Education and Experience Requirements for State Licensed Real Estate Appraiser  
EMERGENCY

- a) Education. A total of 75 hours of real estate appraisal courses are required for examination and licensure as a State Licensed Real Estate Appraiser. The 75 hours shall be in courses recommended by the Committee and approved by the Director. Specific hour requirements are mandatory in each of 3 curricula.
  - 1) Courses approved will be assigned to an IL curriculum and classroom hours must be achieved as follows:
    - A) Standards of Professional Appraisal Practice--15 hours (IL I).
    - B) Basic Principles of Appraisal--30 hours (IL II).
    - C) Residential Valuation Procedures/Single Family Appraisal--30 hours (IL III).
  - 2) Courses completed prior to January 1, 1993.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY RULES

- A) Courses completed prior to January 1, 1993, shall be accepted by the Department, upon review and approval of the Committee, if they are substantially equivalent to the courses in Section 1455.200(b). In determining substantial equivalence, the Committee shall compare the content of each course submitted to the topic requirements as set forth in Section 1455.200(b).
- B) The Director shall approve real estate appraisal courses, upon recommendation by the Committee, with or without a final examination and whether or not the provider was approved by the Department.
- C) Education credit may be earned by an applicant who successfully completes the examination(s) for approved course(s) even though the applicant did not participate in the classroom portion of the instruction.
  - 3) All courses completed after January 1, 1993, shall be from course providers approved by the Department in accordance with Section 1455.200. Credit will be earned only after course attendance and successful completion of a final examination.
  - 4) Education credit may be earned by teaching courses approved by the Department. To obtain education credit for teaching, the applicant shall provide verification from the education provider of the time period of employment and the course name.
    - A) One hour of education credit for every one hour of classroom instruction shall be awarded.
    - B) Education credit for teaching shall be awarded for only one presentation from each curriculum IL I, IL II, IL III, IL IV and IL V; however, credit will be given for presentation of two 15 hour courses in curriculum IL II, IL III, IL IV and IL V. (Credit shall not be allowed for repetitious presentations).
    - C) Education credit for teaching shall be awarded for one presentation of each different course in IL E curriculum.
- b) Experience. Experience credit is not required for an applicant to sit for examination or for licensure; but, 500 hours of appraisal experience credit is required for the first renewal of a license following an original issue date of 24 months, or longer.



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- 1) Documentation of the 500 hours of experience shall be submitted on forms provided by the Department. To expedite processing, the documentation may be submitted with the original application for licensure or as soon as the experience requirement is met; otherwise, it shall be submitted with the renewal application.
- 2) The 500 hours of experience may be awarded for experience conforming to Section 1455.30(b)(3) through (6).
- 3) Mass appraisal experience may be submitted in accordance with Section 1455.40(a)(2)(B).
- 4) The 500-hour experience requirement may be waived by the Director, upon recommendation of the Committee, in accordance with Section 36.11(e)(2) of the Act.

#### Section 1455.30 Education and Experience Requirements for Certified Residential and Certified General Real Estate Appraiser

#### EMERGENCY

An applicant for certification as a Certified Residential or Certified General Real Estate Appraiser shall meet the following education and experience requirements:

- a) Education. A total of 105 hours for Certified Residential Real Estate Appraiser and 165 hours for Certified General Real Estate Appraiser are required. The courses must be real estate appraisal courses recommended by the Committee and approved by the Department. For Certified Residential, a specific hour requirement is mandatory in each of 4 curricula. For Certified General, a specific hour requirement is mandatory in each of 5 curricula.
  - 1) Courses approved for Certified Residential Appraiser will be assigned to an IL curriculum as set forth in Section 1455.200(b), and classroom hours must be achieved as follows:
    - A) Standards of Professional Appraisal Practice--15 hours (IL I).
    - B) Basic Principles of Appraisal--30 hours (IL II).
    - C) Valuation Procedures for Residential Property--30 hours (IL III).
    - D) Elective Courses--30 hours (IL E).

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY RULES

- i) Hours in excess of the requirement, for courses approved in curricula IL II and IL III, will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.
- ii) Coursework in the IL IV and IL V curricula will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.
- 2) Courses approved for Certified General Appraiser will be assigned to an IL curriculum as set forth in Section 1455.200(b), and classroom hours must be achieved as follows:
  - A) Standards of Professional Practice--15 hours (IL I).
  - B) Basic Principles of Appraisal--30 hours (IL II).
  - C) Valuation Procedures for Non-Residential Property--30 hours (IL IV).
  - D) Income Approach, Capitalization--30 hours (IL V).
  - E) Elective Courses--60 hours (IL E). (Hours in excess of the requirement, for courses approved in curricula IL II, IL III, IL IV and IL V, will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.)
- 3) Courses completed prior to January 1, 1993.
  - A) Courses shall be accepted by the Department, upon review and approval of the Committee prior to January 1, 1993, if they are substantially equivalent to the curricula in Section 1455.200. In determining substantial equivalence, the Committee shall compare the content of each course submitted to the topic requirements as set forth in Section 1455.200.
  - B) The Director shall approve real estate appraisal courses, upon recommendation by the Committee, with or without a final examination and whether or not the provider was approved by the Department.
  - C) Education credit may be earned by an applicant who successfully completes the examination(s) for approved course(s) set forth in subsection (a) above even though the applicant did not participate in the classroom portion of the instruction.



## DEPARTMENT OF PROFESSIONAL REGULATION

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- 4) All courses completed after January 1, 1993, shall be from courses and course providers approved by the Department in accordance with Section 1455.200. Credit will be earned only after course attendance and successful completion of an examination.
- 5) Education credit may be earned by teaching courses approved by the Department. To obtain education credit for teaching, the applicant shall provide verification from the education provider of the time period of employment and the course name.
  - A) One hour of education credit for every one hour of classroom instruction shall be awarded.
  - B) Education credit for teaching shall be awarded for only one presentation from each curriculum IL I, IL II, IL III, IL IV and IL V; however, credit will be given for presentation of two 15 hour courses in curriculum IL II, IL III, IL IV and IL V. (Credit shall not be allowed for repetitious presentations).
  - C) Education credit for teaching shall be awarded for one presentation of each different course in IL E curriculum.
- b) Experience. Two years of appraisal experience is required for an applicant to be eligible to sit for the examination. Experience shall be earned in the following manner:
  - 1) One year is defined as 1,000 hours and 12 months (2 years equal 2,000 hours and 24 months). A maximum of 1,000 hours of credit may be earned by the applicant in any calendar year; however, a minimum of 24 months of experience is required.
  - 2) The 2,000 hour experience requirement may be awarded from approved experience which shall include fee appraisal, staff appraisal, mass appraisal, ad valorem tax appraisal, mass ad valorem appraisal, review appraisal or appraisal analysis, highest and best use analysis, feasibility analysis or study, real estate sales and brokerage, real estate counseling, real property management, teaching of Department approved appraisal courses and authorship pertaining to real estate appraisal or related subjects.
  - 3) For Certified Residential, a minimum of 50% of the requirement must be experience relating to residential property. For Certified General, a minimum of 50% of the requirement must be experience relating to nonresidential property. Hours shall be awarded for various types of appraisal and other experience as follows:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY RULES

- A) 20 hours for apartment property with 5-24 units.
- B) 40 hours for apartment property with more than 24 units.
- C) 20 hours for vacant land zoned for business, commercial, industrial; planned unit development, multiple family, single family which will accommodate more than one unit; and agriculture.
- D) 20 hours for industrial property with buildings up to and including 25,000 square feet.
- E) 40 hours for industrial property with buildings over 25,000 square feet.
- F) 20 hours for office space up to and including 10,000 square feet.
- G) 40 hours for office space over 10,000 square feet.
- H) 20 hours for retail space up to and including 10,000 square feet.
- I) 40 hours for retail space over 10,000 square feet.
- J) 40 hours for specialized or special use property appraisals.
- K) 40 hours for operating or specialized agriculture property.
- L) 10 hours for single family residential property.
- M) 15 hours for 2, 3 and 4 unit residential property.
- N) 5 hours for vacant residential land.
- O) Additional hours may be credited for appraisals. Experience hours listed in A through N are considered typical. If an applicant feels more hours should be awarded for an appraisal, he/she must list the hours requested and attach a written justification to the appraisal log. The Department will consider the additional hours based upon the applicant justification statement and may request a photocopy of the appraisal(s) to assist in the decision. Experience credit will be awarded on time spent in the development of the appraisal and preparation of the report. Travel time will not be considered.



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY RULES

P) Teaching Experience. Credit for teaching of Department approved appraisal courses shall not exceed 400 hours.

i) To obtain credit for teaching experience, the applicant shall provide verification from the education provider of the time period of such employment and the course name;

ii) Two hours of experience credit for every hour in the classroom shall be awarded (up to 400 hours) upon approval of the experience by the Committee.

iii) Education credit for teaching shall be awarded for only one presentation from each curriculum IL I, IL II, IL III, IL IV and IL V; however, credit will be given for presentation of two 15 hour courses in curriculum IL II, IL III, IL IV and IL V. (Credit shall not be allowed for repetitious presentations).

iv) Education credit for teaching shall be awarded for one presentation of each different course in IL E curriculum.

v) An applicant may not earn both education and experience credit for teaching the same course.

Q) Authorship. Credit for authorship of appraisal or appraisal related material shall not exceed 200 hours. The applicant shall submit to the Department at the time of application, a copy of the article, textbook or other published material and a statement indicating the amount of time spent in preparing these materials. The Department will evaluate the material and may award experience credit based upon its judgment as to the contribution of skill or knowledge to the applicant or appraisal industry.

R) Real Estate Sales and Brokerage experience shall be accepted if the experience is directly related to performing or reviewing appraisals, in accordance with Section 1455.30(b)(3) through (6) and Section 1455.40(a)(2).

S) Real Estate Counseling experience shall be accepted if it meets USPAP Standards 4 and 5. The experience will be awarded in accordance with Section 1455.30(b)(3) through (6) and Section 1455.40(a)(2).

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY RULES

T) Real Property Management experience shall be accepted if the experience is directly related to performing or reviewing appraisals, in accordance with Section 1455.30(b)(3) through (6) and Section 1455.40(a)(2).

U) Experience for mass appraisal, ad valorem tax appraisal and mass ad valorem appraisal shall be documented by the applicant's affidavit detailing the experience credit being requested; shall be certified by the assessment official in accordance with Section 36.11(b), Article 2, of the Act; and reported to the Department in accordance with Section 1455.40(a)(2)(B).

4) Field and review appraisals conducted prior to January 1, 1992, shall:

A) Identify and describe the real estate being appraised;

B) Contain an indication of highest and best use (analysis);

C) Identify the real property interests being appraised;

D) Contain a definition of the value being estimated;

E) Set forth the effective date of the value estimate and the date of the appraisal report;

F) Set forth all assumptions and limiting conditions that affect the analyses, opinions and conclusions.

G) Set forth (in the report or file memorandum) the appraisal procedures followed and the reasoning that supports the analysis, opinions and conclusions.

H) Include the signature of the individual responsible for the analysis, opinions and conclusions contained in the report. The applicant seeking experience credit shall have signed the report or shall be listed in the report as an individual who provided a significant contribution. An affidavit of significant contribution shall be considered by the Department if it is signed by the appraiser who signed the report or by an official of the organization, government, firm or other entity who was responsible for causing the appraisal to be prepared.



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY RULES

- 5) Mass appraisal projects completed prior to January 1, 1992, shall have been performed by application of mass appraisal methods and techniques deemed professionally appropriate at the time the project was undertaken. In evaluating the mass appraisal experience, the Department will consider methods and techniques employed relative to Standard 6 of USPAP and the participation in the mass appraisal project by the applicant.
- 6) Appraisals of all types prepared after January 1, 1992, must conform to the standards set forth in the Uniform Standards of Professional Appraisal Practice (USPAP) that were in effect on the date the appraisal was signed.

Section 1455.40 Application for State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser or Certified General Real Estate Appraiser

## EMERGENCY

- a) An applicant for examination/licensure/certification as a State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser or Certified General Real Estate Appraiser shall file an application with the Department on forms provided by the Department. The application shall remain valid for one year from the date of submission. The application shall include but not be limited to the following:

- 1) Verification of education (i.e., transcripts, certificates of course completion, official records from provider) as set forth in Section 1455.20 for State Licensed Appraiser and 1455.30 for Certified Residential Appraiser and Certified General Appraiser.
- 2) Verification of experience. All experience for the Certified Residential and Certified General Real Estate Appraisers shall meet the requirements set forth in Section 1455.30.

- A) In accordance with Section 5836.11 of the Act, the applicant shall submit an appraisal log which shall include a general location (e.g., street, subdivision, office file number or parcel number) of the property; city and state location; date of the appraisal report; property type; approximate size of the property land and buildings; the tally of the hours being requested by the applicant; and a certifying statement that the applicant has personally inspected the property or his/her name appears in the appraisal report as having made a significant contribution to the report.

## DEPARTMENT OF PROFESSIONAL REGULATION

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- B) An applicant seeking mass appraisal experience shall include with the application his/her affidavit as prescribed in Section 36.11(b)(3) of the Act. The affidavit shall detail the experience being requested by the applicant and provide the following minimum information:
  - i) The boundaries of the mass ad valorem tax appraisal/assessment project.
  - ii) The number of parcels included in the mass ad valorem appraisal/assessment project.
  - iii) The types of property (residential, commercial, industrial) included in the project and the ratio of each.
  - iv) The time period in which the mass ad valorem tax appraisal/assessment took place.
  - v) The number and type (residential or nonresidential) of properties valued (the analysis and establishment of values) through the cost, income and market sale appraisal techniques.
  - vi) The number and type (residential or nonresidential) of reviews and analyses of appraisals employing the cost, income and market sale appraisal techniques.
  - vii) The specific address where records pertaining to such mass ad valorem tax appraisals/assessments, valorem appraisals or appraisal reviews are filed.
  - viii) A certification, in accordance with Section 36.11(b) of Article 2 of the Act.
- C) The Department may require the applicant to provide selected samples of the appraisals submitted for experience credit.
  - 3) A complete work history for a period of five years preceding the application date;
  - 4) The required fee provided for in Section 36.6 of the Act; and
  - 5) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/certified as a real estate appraiser and any location in which the applicant is currently licensed/certified as a real estate appraiser, if applicable, stating:



## DEPARTMENT OF PROFESSIONAL REGULATION

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- A) The time during which the applicant was licensed/certified and,
  - B) Whether the file of the applicant contains any record of any disciplinary actions taken or pending.
- b) When the accuracy of any submitted documentation or the relevance or sufficiency of the coursework or experience is questioned by the Department or the Committee because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure/certification shall be requested to:
- 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Committee or Appraisal Administrator to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.
- c) Upon receipt of the application and all supporting documentation, the applicant's file will be evaluated by the Department. The applicant will be notified in writing of approval to sit for the examination or the reasons the application has been deferred or denied.

Section 1455.50 Examination  
EMERGENCY

- a) The examination administered by the Department or its designated testing service shall be an examination which covers the content of the National Uniform Examination and is approved by the Appraisal Qualification Board.
- b) The passing score on the examination shall be 75.
- c) The Department shall accept the examination results of an Illinois appraisal candidate who has taken the examination for certification or licensure in another jurisdiction under the following conditions:
  - 1) The examination has been approved by the Appraisal Qualification Board.
  - 2) The examination taken in another jurisdiction can only be applied toward an Illinois equivalent appraisal category. If there is no equivalent category, the examination would not be accepted.

## DEPARTMENT OF PROFESSIONAL REGULATION

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- 3) The examination report is the official test score report from the testing entity.
- A) The applicant is responsible for obtaining the report from the testing entity and paying any fees to obtain the report.
- B) The Department will not accept or apply the test results until such time as the applicant is notified of having met all requirements for licensure or certification in Illinois.
- C) The Department will not issue a license or certificate until receipt from the applicant of the federal fee required by Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989.

Section 1455.60 Nonresident Licensure/Certification  
EMERGENCY

- a) A license/certification shall be issued without examination to a nonresident real estate appraiser licensed/certified under the laws of his/her home state if:
  - 1) The appraiser applicant is the holder of an active license or certification in his/her home state;
  - 2) The standards of that state for licensing/certifying as a real estate appraiser are substantially equivalent to the minimum standards in Illinois;
  - 3) The real estate appraiser's home state grants reciprocal privilege to real estate appraisers licensed/certified in Illinois; and
  - 4) There is no discipline proceeding pending or unresolved against the applicant in his/her home state.
- b) The real estate appraiser shall file an application, on forms provided by the Department, which includes:
  - 1) A statement bearing the seal of the licensing authority in the state in which he/she is licensed/certified, showing an active license/certification as a real estate appraiser;
  - 2) A certification of irrevocable consent required by Section 5836.13 of the Act;
  - 3) The business address in the state of reciprocity;



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- 4) The required fee provided for in Section 36.6(1) and (2) of the Act.
- c) Upon request by the Department, the real estate appraiser shall attest in writing, on forms supplied by the Department, to the fact that the licensee is active and in good standing and that he/she understands that the reciprocal license is valid only as long as he/she remains a resident of that state and will be invalid on the date his/her home state license/certification is expired, is suspended, is inactive or otherwise not in good standing.
- d) A reciprocal license/certification becomes invalid when the licensee changes his/her residence to Illinois or any other state.
- e) All requirements for licensure by reciprocity shall be met within one year of the date of original application or the application shall be denied and the fee forfeited. Thereafter, to be considered for licensure, such applicant shall file a new application and fee.

Section 1455.70 Nonresident/Temporary Practice  
EMERGENCY

- a) A nonresident appraiser, licensed/certified in another jurisdiction, may apply for a temporary appraisal practice permit by filing with the Department, on an application provided by the Department. The information submitted on the application shall include, but not be limited to, the following:
  - 1) The applicant's name, address, social security number, any other such information as might be necessary to identify the applicant.
  - 2) A certification from the agency in the applicant's home state of licensure/certification, certifying that the applicant is a duly licensed/certified real estate appraiser in good standing; and, setting forth any discipline taken (or pending) by the agency against the applicant.
  - 3) An estimate of the amount of time required to perform the appraisal assignments(s) and a description of the property or properties to be appraised by the applicant.
  - 4) An irrevocable consent that service of process in any action against the applicant that may arise from the applicant's Illinois appraisal activities may be made by delivery of process on the Illinois Appraisal Administrator.

## DEPARTMENT OF PROFESSIONAL REGULATION

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- 5) Such other information as may be necessary to determine the applicants eligibility for temporary appraisal privileges within the State of Illinois.
- b) Limitations and requirements for temporary appraisal practice are as follows:
  - 1) The temporary practice permit shall be for a period of 60 days from the date of issuance. The permit may not be renewed but may be extended for 30 days upon written request and payment of an extension fee, at least 14 business days prior to the expiration of the original temporary practice permit;
  - 2) Each applicant is limited to 2 temporary appraisal practice permits in any calendar year;
  - 3) The fee for each temporary permit shall be \$80.00, shall accompany the application and is non-refundable. The fee for extension of an appraisal permit is \$80.00, shall accompany the written request for extension and is not refundable;
  - 4) Persons granted temporary appraisal practice permits shall not advertise, solicit or otherwise represent themselves as State Licensed Real Estate Appraisers, Certified Residential Real Estate Appraisers or Certified General Real Estate Appraisers; and
  - 5) Applicants will be required to pay any fee required by the federal government under Title XI of the Federal Institutions Reform, Recovery and Enforcement Act of 1989.

## SUBPART B: EDUCATION PROVIDERS

Section 1455.200  
Approval of Education Providers  
EMERGENCY

- a) An entity seeking approval as an education provider shall submit an application, on forms provided by the Department, and shall meet the following minimum criteria:
  - 1) The provider shall:
    - A) Maintain a fixed office that is adequate for the maintenance of all records, office equipment, files, telephone equipment and office space necessary for customer service;
    - B) Offer a minimum of one curriculum that conforms to the standards of subsection (b) below;



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- C) Administer a mandatory final examination for each course offering;
  - D) Provide each student within 21 days of completion of each course a certification of completion, transcript or other document verifying hours of attendance, successful course completion and identifying the course by name and number, if any. In addition, such certificate, transcript or other document shall indicate the provider's address and telephone number, the location and date of the course, and include an authorized signature of the course provider's representative;
  - E) Submit the fee set forth in Section 1455.210;
  - F) The premises, equipment and facilities of the course site shall comply with all applicable fire, building, zoning, health, safety and accessibility codes and standards;
  - G) Approved course providers shall not advertise as being endorsed, recommended or accredited by the Department. Course providers may indicate that the provider and course of study has been approved by the Department;
  - H) The course provider shall provide the student with information which specifies the course of study to be offered; the tuition to be charged; the school's policy regarding refund of unearned tuition when a student is dismissed or withdraws voluntarily or through hardship; any additional fee to be charged for supplies, materials or books which become the property of the student upon payment; and such other matters as are material to the relationship between the school and the student (e.g., cost of retaking a course, current status of licensure, any disciplinary action taken by the Department, attendance requirements); and
  - I) Each course provider shall maintain for each student a record which shall include the course of instruction undertaken, dates of attendance, and areas of study completed satisfactorily. Each student's record shall be maintained by the school for a period of at least 5 years and shall be available for inspection by the student or by the Department or its designee during regular business hours.
- 2) The approved provider should employ instructors who are Certified Residential/General Appraisers or persons with education and/or experience in appraisal or the subject matter of the course.

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- 3) Colleges and universities
  - A) Colleges and universities which apply as education providers under subsection (a)(1) above shall be accredited by the regional accrediting body and offer either or both an associate's and baccalaureate degree program.
  - B) Colleges and universities will not be required to pay the application fees required by Section 1455.210.
  - C) The approved provider colleges/universities should employ instructors who are Certified Residential/General Appraisers or persons with education and/or experience in appraisal or the subject matter of the course.
- b) Required Course Curriculum
  - 1) Standards of Professional Appraisal Practice--15 hours (IL I). This course curriculum reviews Uniform Standards of Professional Appraisal Practice (USPAP) adopted by the Appraisal Subcommittee. Topics are:
    - A) Ethics Provision - USPAP
    - B) Competency Provision - USPAP
    - C) Departure Provision - USPAP
    - D) Standard 1 - USPAP
    - E) Standard 2 - USPAP
    - F) Standard 3 - USPAP
    - G) Standard 4 - USPAP
    - H) Standard 5 - USPAP
    - I) Standard 6 - USPAP
  - 2) Basic Principles of Appraisal--30 hours (IL II). This course curriculum shall include an overview of the appraisal process covering the principles of market and valuation analysis necessary for appraising real property and an introduction to appraisal theory, concepts, techniques and the level of competence required to perform professional appraisal analyses. Topics are:
    - A) Influences on Real Estate
    - B) Real Estate/Real Property/Personal Property
    - C) Real Estate Ownership
    - D) Legal Descriptions
    - E) Types of Value
    - F) Economic Principles
    - G) Real Estate Markets and Market Analysis
    - H) Money and Capital Markets
    - I) Real Estate Financing
    - J) Valuation Process



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY RULES

- K) Neighborhood Data and Analysis
- L) Site Data and Analysis
- M) Improvement Data and Analysis
- N) Basic Construction and Design
- O) Highest and Best Use Analysis
- P) Sources of Valuation Data
- Q) Accumulation of Valuation Data
- R) Overview of the Three Approaches to Value
- S) Reconciliation and Final Value Estimate
- T) Overview of the Appraisal Report

3) Residential Valuation Procedures/Single Family Appraisal--30 hours (IL III). This course curriculum shall be designed to provide an understanding and working knowledge of the procedures and techniques required to estimate the market value of residential properties. Emphasis should be placed on the extraction of data and the correct application of the three approaches to real estate valuation. Topics are:

- A) Basic Statistics
- B) Residential Site Valuation - Sales Comparison
- C) Residential Site Valuation - Allocation
- D) Residential Site Valuation - Extraction
- E) Cost Approach - Cost New Estimates
- F) Cost Approach - Entrepreneurial Profit
- G) Cost Approach - Types of Depreciation
- H) Cost Approach - Depreciation - Age-Life Method
- I) Cost Approach - Depreciation - Market Extraction Method
- J) Cost Approach - Depreciation - Breakdown Method
- K) Cost Approach - Application
- L) Sales Comparison Approach - Units of Comparison
- M) Sales Comparison Approach - Elements of Comparison
- N) Sales Comparison Approach - Cash Equivalency
- O) Sales Comparison Approach - Making Adjustments
- P) Sales Comparison Approach - Application
- Q) Income Capitalization Approach - Gross Rent Estimates
- R) Income Capitalization Approach - Gross Rent Multiplier
- S) Income Capitalization Approach - Application
- T) Residential Appraisal Reports

4) Valuation Procedures, Nonresidential Properties--30 hours (IL IV). This course curriculum focuses on the appraisal of nonresidential properties and provides a practical solution for estimating value by an in-depth study of appraisal theory and the development of advanced valuation skills. Topics are:

- A) Basic Statistics
- B) Site Valuation - Sales Comparison
- C) Site Valuation - Allocation/Extraction

## DEPARTMENT OF PROFESSIONAL REGULATION

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- D) Site Valuation - Subdivision Analysis/Other Methods
- E) Cost Approach - Cost New Estimates
- F) Cost Approach - Entrepreneurial Profit
- G) Cost Approach - Types of Depreciation
- H) Cost Approach - Depreciation - Age-Life Method
- I) Cost Approach - Depreciation - Market Extraction Method
- J) Cost Approach - Depreciation - Breakdown Method
- K) Cost Approach - Application
- L) Sales Comparison Approach - Units of Comparison
- M) Sales Comparison Approach - Elements of Comparison
- N) Sales Comparison Approach - Cash Equivalency
- O) Sales Comparison Approach - Making Adjustments
- P) Sales Comparison Approach - Application
- Q) Income Approach - Income Estimates
- R) Income Approach - Expense Estimates
- S) Income Approach - Capitalization Rates
- T) Income Approach - Direct Capitalization
- U) Income Approach - Income Multipliers
- V) Income Approach - Application
- W) Appraisal Reports

5) Income Capitalization--30 hours (IL V). Courses in this curriculum are to provide alternative methods of estimating present value based on income forecasts. These courses focus on more advanced capitalization methods and techniques. Topics include:

- A) Six Functions of \$1
- B) Gross Income Estimates
- C) Vacancy and Collection Loss
- D) Operating Expense Estimates
- E) Reserves for Replacement
- F) Operating Statement Ratios and Multipliers
- G) Debt Service/Equity Dividend
- H) Direct Capitalization
- I) Overall Rate Development - Market Extraction
- J) Overall Rate Development - Band of Investment
- K) Overall Rate Development - Ratios/Multipliers
- L) Overall Rate Development - Residual Techniques
- M) Equity Dividend Rate
- N) Debt Coverage Ratio
- O) Cash Flow Estimates
- P) Reversion Estimates
- Q) Discount and Yield Rates
- R) Yield Capitalization Overview
- S) Discounted Cash Flow Analysis Overview
- T) Lease Provisions, Analysis and Valuation
- U) Lease Analysis
- V) Partial Interest Valuation



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## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY RULES

- 6) Courses in the IL E curriculum (electives) are courses with topics that are considered more advanced; and/or cover appraisal topics not covered in the core course curricula.
- 7) Each course shall be a minimum of 15 credit hours.
- 8) All courses shall include a final examination.
  - A) Each final exam for curricula IL II, IL III, IL IV, IL V and IL E (elective) courses shall consist of a minimum of 50 questions. (25 questions per each 15 hours of instruction).
  - B) The final exam for IL I category courses shall consist of a minimum of 25 questions.
  - C) The applicant shall pass the examination in order to obtain credit for a course. A passing score shall be a minimum of 70% of the examination questions answered correctly.
- 9) If 80% of the required topics are presented, the course shall be approved for the minimum required hours. If 40% of the required topics are presented, the course shall be approved for 1/2 the minimum hours; for courses in the IL I curriculum 100% of the listed topics must be covered.
- 10) All changes in course content shall be submitted to the Department for review and evaluation.
- 11) All courses offered by an approved provider shall be submitted to the Department for reevaluation every 3 years (from date of original approval), along with the \$500 per course approval fee set forth in Section 1455.210(c).

## c) Withdrawal of Approval

- 1) The Department, upon recommendation of the Real Estate Appraisal Committee, shall withdraw, suspend or place on probation in accordance with 68 Ill. Adm. Code 1110 the approval of the real estate appraiser education provider when the quality of the program fails to continue to meet the established criteria of an approved provider as set out in this Section or upon determination that the decision to approve the program was based upon false or deceptive information.
- 2) Approval will terminate immediately upon failure to renew. The provider may thereafter reapply for approval as an education provider.

## ILLINOIS REGISTER

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY RULES

Section 1455.210  
EMERGENCY

## Fees - Education Providers

- a) The fee for application as a real estate appraiser education provider shall be \$1000, plus \$500 per course which is non-refundable.
- b) The fee for renewal of an approved real estate appraiser education provider shall be \$500 per year which is non-refundable.
- c) The fee for adding a course pursuant to Section 1455.200 shall be \$500.
- d) The fee for reevaluation of a course shall be \$500 and each approved course must be re-evaluated and re-approved every 3 years.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Food Stamps

2) Code Citation: 89 Ill. Adm. Code 121

3) Section Numbers: Emergency Action:

|                            |             |
|----------------------------|-------------|
| 121.23, 121.24, 121.25,    | Repeal      |
| 121.26, 121.27, 121.28,    | Repeal      |
| 121.29                     | Repeal      |
| 121.160, 121.162, 121.164, | New Section |
| 121.166, 121.170, 121.172, | New Section |
| 121.174, 121.176, 121.178, | New Section |
| 121.180, 121.182, 121.184, | New Section |
| 121.186, 121.188, 121.190  | New Section |

4) Statutory Authority: Sections 12-4.4 through 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-4.4 through 12-4.6 and 12-3) and Public Act 87-893 (Senate Bill 1717), effective August 5, 1992

5) Effective Date of Amendments: October 1, 1992

6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed in Agency's Principal Office: October 1, 1992

8) Reason for Emergency:

These emergency amendments are necessary to implement the Earnfare program and other components of the Food Stamp Employment and Training Program. This program is authorized by Public Act 87-893 (Senate Bill 1717), which was enacted effective August 5, 1992. Implementation of this program by October 1, 1992, is necessary to insure the availability of services to the individuals covered by this program and is consistent with the intent of Public Act 87-893.

9) Complete Description of the Subjects and Issues Involved:

These emergency amendments to the Department of Public Aid's food stamp rules (89 Ill. Adm. Code 121) are intended to implement the Food Stamp Employment and Training Program, including the Earnfare component. The amendments are also being proposed for permanent adoption.

The current provisions of the food stamp rules which address employment and training requirements (Sections 121.23 through 121.29) are being replaced by the provisions which are necessary to implement this program

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

(Sections 121.160 through 121.190). Public Act 87-893 (Senate Bill 1717), effective August 5, 1992, authorizes the Department to establish this program.

The Earnfare component is being implemented in new Section 121.182. This component will provide an opportunity for individuals who are no longer eligible for General Assistance to earn up to \$154 per month. The provisions of Section 121.182 address eligibility, notification of eligible individuals, participation requirements, payments, and other procedures for the administration of the program.

The Earnfare, job readiness, and grant diversion components are additions to the other components of the Food Stamp Employment and Training Program. The other components include job search, basic education, work experience, and job training.

Many of the provisions included in the Food Stamp Employment and Training Program are based on the current rules under the General Assistance program. Amendments are also being proposed to the General Assistance rules (89 Ill. Adm. Code 114) to repeal these provisions. The relationship between these rules is indicated in the following chart, which should assist interested persons in determining the substantive changes in the program:

| Current Provisions<br>in Part 114 | New Provisions<br>in Part 121 | Subject                          |
|-----------------------------------|-------------------------------|----------------------------------|
| Section 114.121                   | Section 121.160               | Persons Required to Participate  |
| Section 114.124                   | Section 121.162               | Participation, Cooperation       |
| Section 114.125                   | Section 121.164               | Orientation                      |
| Section 114.126                   | Section 121.166               | Assessment, Employability Plan   |
| Section 114.127(a)                | Section 121.170               | Job Search Component             |
| Section 114.127(b)                | Section 121.172               | Basic Education Component        |
|                                   | Section 121.174               | Job Readiness Component          |
| Section 114.127(d)                | Section 121.176               | Work Experience Component        |
|                                   | Section 121.178               | Job Training Component           |
| Section 114.127(e)                | Section 121.180               | Grant Diversion Component        |
| Section 114.128                   | Section 121.184               | Sanctions                        |
| Section 114.129                   | Section 121.186               | Good Cause, Failure to Cooperate |
| Section 114.130                   | Section 121.188               | Supportive Services              |
| Section 114.135                   | Section 121.190               | Conciliation, Fair Hearings      |

The Department estimates that the cost of operation of the Earnfare program for Fiscal Year 1993 at about \$10 million. No other increases in expenditures are anticipated as a result of these amendments.



DEPARTMENT OF PUBLIC AID  
NOTICE OF EMERGENCY AMENDMENTS

10) Are there any Proposed Amendments pending to this Part? Yes

| Sections | Proposed Action | Illinois Register Citation             |
|----------|-----------------|--|
| 121.3    | Amendment       | September 4, 1992 (16 Ill. Reg. 13385) |
| 121.34   | Amendment       | May 29, 1992 (16 Ill. Reg. 8039)       |
| 121.41   | Amendment       | September 4, 1992 (16 Ill. Reg. 13385) |
| 121.59   | Amendment       | September 4, 1992 (16 Ill. Reg. 13385) |
| 121.76   | New Section     | September 4, 1992 (16 Ill. Reg. 13385) |

11) Statement of Statewide Policy Objectives: Units of local government may participate as employers in the Earnfare program established under these emergency amendments. No additional requirements are being imposed on units of local government.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Judy Umunna  
Address: Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Avenue East, Third Floor  
Springfield, Illinois 62762  
Telephone: (217) 524-3215

The full text of the Emergency Amendments begins on the next page:

ILLINOIS REGISTER  
DEPARTMENT OF PUBLIC AID  
NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121  
FOOD STAMPS

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Application for Assistance  
Time Limitations on the Disposition of an Application  
Approval of an Application and Initial Authorization of Assistance  
Denial of an Application  
Client Cooperation  
Emergency Assistance  
Expedited Services  
Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

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121.19  
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Ending a Voluntary Quit Disqualification  
Citizenship  
Residence  
Social Security Numbers  
Work Registration/Participation Requirements (Repealed)

Individuals Exempt From Work Registration Requirements (Repealed)

EMERGENCY  
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EMERGENCY

Failure to Comply (Repealed)  
Period of Disqualification (Repealed)  
Voluntary Job Quit (Repealed)  
Good Cause for Voluntary Job Quit (Repealed)  
Exemptions from Voluntary Quit Rule (Repealed)

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section  
121.30  
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Unearned Income  
Exempt Unearned Income  
Education Benefits



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

|        |  |
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**AUTHORITY:** Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 12-4.4 through 12-4.6 and 12-3)

**SOURCE:** Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875 effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399 effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1; effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980 for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg.

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8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983, peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988.



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1988; amended at 12 Ill. Reg. 12824 effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988, amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 121.23 Work Registration/Participation Requirements (Repealed)  
EMERGENCY

a) All non-exempt adults who are eligible members of a food-stamp household, shall register for employment, participate in an employment and training program and accept suitable employment. Compliance with this requirement is a prerequisite to certification and program benefits shall not be granted conditionally prior to registration by non-exempt household members. However, under expedited services, the applicant must register but registration of other members may be postponed.

b) All non-exempt individuals must register in the following circumstances:

- 1) prior to initial certification;
- 2) for new member, prior to addition to the case;
- 3) once every twelve months; and
- 4) when as a result of a change which the household is required to report, a member loses exempt status. (See 89 Ill. Adm. Code 102.50(c).)

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## Section 121.23 (continued)

e) Registration with Project Change for General Assistance (GA) purposes shall meet the Food Stamp work registration requirement for non-exempt City of Chicago GA/Food Stamp applicants and recipients.

d) Registration with Project Change for Aid to Families with Dependent Children (AFDC) purposes shall meet the food stamp work registration requirement.

e) Registration with a Refugee Placement Agency or Illinois Job Service for Refugee Assistance/Food Stamp recipients shall meet the Food Stamp work registration requirements.

f) Each household member who is required to register for employment is also required to:

- 1) Participate in an employment and training program, if assigned by Project Change in accordance with 89 Ill. Adm. Code 112.78;
- 2) Respond to requests for supplemental information regarding employment status or availability for work;
- 3) Report to employers to whom referred;

4) Accept a bona fide offer of suitable employment (see Section 121.27(b) for a definition of "suitable employment"); and

5) Cooperate with comparable work requirements of Project Change for GA and AFDC (See 89 Ill. Adm. Code 112.70 through 112.85 and 114.60 through 114.80, 114.85 and 114.120 through 114.130).

(Source: Emergency repealer at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days)

## Section 121.24

Individuals Exempt From Work Registration Requirements  
EMERGENCY (Repealed)

The individuals listed below are exempt from work registration requirements but may, if they wish, voluntarily register for employment:

- a) Ineligible household members;
- b) Parent or other household members having responsibility for the care of a dependent child(ren) under age 6 or the care of an incapacitated person(s);



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## Section 121.24 (continued)

- e) Persons under age 16 or age 60 or over;
- f) A person age 16 or 17 who is not the primary wage earner or is attending school or enrolled in a training program on at least a half time basis;
- g) A person who is temporarily ill or chronically ill.

1) A person is temporarily ill when determined by the local office, on the basis of medical evidence (e.g., statement from a medical provider) or on another sound basis that the illness/injury is serious enough to temporarily prevent the person from engaging in employment or participating in Project Chance. -- Minor ailments and injuries such as colds, broken fingers or rashes are not serious enough normally to exempt the individual under this criterion. -- A sound basis for exemption from Project Chance on a temporary basis includes but is not limited to:

- A) the observation of a cast on a broken leg or
- B) the client provides information of a scheduled surgery or recuperation from surgery;
- 2) A person is chronically ill, as determined by the local office, when a physician or licensed/certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the person from engaging in employment or participating in Project Chance;
- 3) When a person is determined either temporarily or chronically ill, the exemption shall continue until further action is taken by the Department. -- When the exemption is initially granted the Department will establish a date as to when the condition warranting the exemption is expected to end or when a review of the case will be re-evaluated to determine whether the exempted person continues to be exempt under the same procedures as for the initial determination of exemption, with appropriate notice to the person that a re-evaluation is necessary;
- f) Any drug addict or alcoholic who regularly participates in a drug or alcoholic treatment and rehabilitation program;
- g) Persons who are engaged in gainful employment employed or self employed at least 30 hours per week or receiving weekly earnings-

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## Section 121.24(g) (continued)

- equivalent to or greater than the Federal minimum wage (\$3.35 hour) multiplied by 30 hours and migrant and seasonal farm workers under a contract to begin employment within 30 days of application;
- h) Persons receiving Unemployment Insurance (UI) or who have applied for UI if required to register for Job Service as part of the UI application process;
- i) Students enrolled at least half time in any recognized:

- 1) school or
- 2) training program; or

3) institution of higher education and who have met one of the eligibility requirements set forth in Section 121.75(a).

j) Is a person enrolled full time as a VISTA volunteer under Title I of the 1973 Domestic Volunteer Services Act, if the individual was receiving financial assistance or food stamps at the time he/she joined VISTA. -- Persons enrolled full time under Title II of the 1973 Domestic Volunteer Services Act, as senior health aide, foster grandparent, senior companions or persons serving in the Senior Corps of Retired Executives (SCORE) and Active Corps of Executive (ACE), etc., are exempt.

k) Homeless persons (see Section 121.7) are exempt from participation. (Source: Emergency repealer at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days)

Section 121.25 Failure to Comply (Repealed)  
EMERGENCY

- a) The local office will determine if an individual has refused or failed to comply without good cause with work registration requirements.
- b) Project Chance will determine if an individual has failed to comply with comparable program requirements (see 89 Ill. Adm. Code 112.78 and 112.79). -- The Department will take action to terminate Food Stamp benefits within ten calendar days of such determination by Project Chance staff.



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Section 121.25 (continued)

- e) If it is determined that a household member failed to comply with work registration requirements without good cause:
- 1) the individual is ineligible and treated as a nonhousehold member (see Section 121.21(g)) if he/she is not the primary wage earner or the designated head of household if there is no primary wage earner of an AFDC client,
  - 2) the entire household is ineligible if he/she is the primary wage earner or the designated head of household if there is no primary wage earner or an AFDC client,
  - d) Good cause includes circumstances beyond the member's control, such as but not limited to, illness, illness of another household member requiring the presence of the member, lack of transportation, a household emergency or the lack of adequate child care for children age 6 through 11 as defined in Section 121.75(a)(3).

(Source: Emergency repealer at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days)

Section 121.26 Period of Disqualification (Repealed)  
EMERGENCY

- a) The period of disqualification of an entire household for failure to comply with work registration requirements lasts until:
- 1) the member complies with the requirements,
  - 2) the member becomes exempt from the requirements,
  - 3) the individual is no longer a household member. If the individual becomes part of another household, the new household is not eligible for the remainder of the disqualification period, or
  - 4) the household has been disqualified for 2 fiscal months beginning with the first month following the expiration of the adverse notice period.
- b) Disqualification ends:
- 1) following the end of the 2nd fiscal month of disqualification, participation may be resumed if:

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Section 121.26(b)(1) (continued)

- A) an application is filed, and
- B) all other eligibility requirements are met, or
- 2) during the disqualification period when the registrant is otherwise eligible and becomes exempt from the registration requirements.
- e) For CA/FS households disqualified for failure to cooperate with comparable requirements of Project Change, the Food Stamp disqualification period does not have to coincide with the CA disqualification period.

(Source: Emergency repealer at 16 Ill. Reg. 16221 effective October 1, 1992, for a maximum of 150 days)

Section 121.27 Voluntary Job Quit (Repealed)  
EMERGENCY

- a) If within 60 days before the date of initial application, the primary wage earner of the food stamp household has, without good cause, voluntarily quit his/her job, the entire household is ineligible for food stamp benefits for 90 days beginning with the date of the quit.
- b) If the primary wage earner or designated head of household if there is no primary wage earner of a participating Food Stamp household has, without good cause, voluntarily quit his/her job, the entire household is ineligible for Food Stamp benefits for three (3) fiscal months (see 89 Ill. Adm. Code 101.20).
- e) Primary Wage Earner. The household member who has been earning the most money to support the household in the two months prior to the month of the quit. It need not be the head of the household. The employment must involve 20 hours or more per week or provide gross weekly earnings equal to or greater than the federal minimum wage multiplied by 20 hours. A child of any age living with a parent or a person fulfilling the role of a parent shall not be considered a primary wage earner if the parent or household member acting as a parent registration because the individual:
- 1) is subject to and participating in Project Change under AFDC requirements,
- 2) receives or is expected to receive Unemployment Insurance Benefits, or



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## Section 121.27(c) (continued)

- 3) is employed or self-employed and working a minimum of thirty (30) hours per week or receives earning equal to or greater than 30 times the Federal Minimum Wage.
- d) A Federal, State or local government employee who participates in a strike against such government and is dismissed from his/her job because of participation in the strike, is considered to have voluntarily quit his/her job without good cause.
- e) If the household provides questionable information (that is, inconsistent with information previously supplied by the household or other information available to the local office) regarding whether or not the primary wage earner has voluntarily quit employment, it shall provide verification from sources such as a previous employer, employee associations, and union representatives, etc.

(Source: Emergency repealer at 16 Ill. Reg. 16221 effective October 1, 1992, for a maximum of 150 days)

Section 121.28 Good Cause for Voluntary Job Quit (Repealed)  
EMERGENCY

- a) Circumstances beyond the person's control, including but not limited to:
- 1) illness;
  - 2) illness of another household member requiring the presence of the primary wage earner;
  - 3) a household emergency;
  - 4) lack of transportation; or
  - 5) lack of adequate child care for children age 6 through 11 as defined in Section 121.75(a)(3).
- b) Resignation from a job which is considered "unsuitable" or becomes "unsuitable" after acceptance of the job. Employment is considered "unsuitable" if:
- 1) wages are below Federal or State minimum wage;
  - 2) the primary wage earner is required to join or refrain from joining a labor union;

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## Section 121.28(b) (continued)

- 2) the work site is subject to a strike or lockout;
- 4) the degree of risk to health or safety is unreasonable;
- 5) the primary wage earner is physically or mentally unable to perform the employment;
- 6) the distance from the member's home to the place of employment is unreasonable (daily commuting exceeds 2 hours a day);
- e) Discrimination by employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs;
- d) Work demands or conditions that make it unreasonable to continue employment, including, but not limited to, a person working and not being paid on schedule;
- e) Acceptance of new employment, requiring that the primary wage earner leave the current job;
- f) Acceptance by any other household member of employment in a different county, requiring that the household move and that the primary wage earner leave the job;
- g) Educational enrollment by the primary wage earner, at least half time, in any recognized school, training program or institution of higher education;
- h) Educational enrollment of a household member in another county, requiring that the household move and that the primary wage earner leave the job. Enrollment must be at least half time in any recognized school, training program or institution of higher education;
- i) Resignation from employment by a person who is under 60 which the employer recognizes as retirement;
- j) Acceptance of a bona fide offer of employment which, because of circumstances beyond the primary wage earner's control, does not materialize, turns out to be less than 20 hours a week, or pays less than the Federal minimum wage times 20 hours per week;
- k) Leaving a job in connection with patterns of employment, e.g., migrant farm labor.

(Source: Emergency repealer at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days)



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Section 121.29 Exemptions from Voluntary Quit Rule (Repealed)  
EMERGENCY

- a) ~~Hours-of-employment-are-reduced-while-working-for-the-same-employer.~~
- b) ~~Termination-of-self-employment-enterprise.~~
- e) ~~Employer-demands-that-person-resign-from-job.~~
- d) ~~Persons-who-are-exempt-from-the-work-registration-requirements.~~

(Source: Emergency repealer at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days)

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM  
CLAIMS-FOR-OVERISSUANCES-OF-FOOD-STAMP-BENEFITSSection 121.160 Persons Required to Participate  
EMERGENCY

- a) All individuals receiving food stamps who are not exempt will be required to participate in the Food Stamp Employment and Training program, to the extent resources are available. This includes, in priority order:
  - 1) Recipients of Transitional Assistance;
  - 2) Individuals who meet the eligibility requirements for Transitional Assistance but who are "employable". These individuals may volunteer for Earnfare or may, if resources are available, be required to participate in other Food Stamp Employment and Training activities;
  - 3) Non-exempt clients receiving Family and Children Assistance may be required to participate in the Food Stamp Employment and Training program. See 89 Ill. Adm. Code 112.70 through 112.76 for requirements for these clients; and
  - 4) All other non-exempt food stamp recipients not receiving AFDC or Refugee Assistance.
- b) Those individuals exempt from the Food Stamp Employment and Training program are:
  - 1) Individuals age 55 or over (however, persons age 55 or over may volunteer to participate);

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## Section 121.160(b) (continued)

- 2) Persons who are participating and cooperating in a rehabilitation service program;
- 3) Individuals who are chronically ill, as determined by a physician or licensed/certified psychologist who finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the person from engaging in employment or participating in the Food Stamp Employment and Training Program;
- 4) Persons who are temporarily ill, for the medically documented period of the illness;
- 5) Individuals who have another household member who requires the full-time care of the individual;
- 6) Individuals who are under 16 years of age;
- 7) Individuals age 16 or 17 who are not the head of a household or who are attending school or are enrolled in a training program on at least a half time basis;
- 8) Students enrolled at least half time in any recognized school, training program, or institution of higher education; provided that students enrolled at least half time in an institution of higher education have met the eligibility conditions as defined at 7 CFR 273.5. A student enrolled in a school, training program or institution of higher education shall remain exempt during normal periods of class attendance, vacation and recess, unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer);
- 9) Individuals who are employed or self-employed and working a minimum of thirty (30) hours per week or receives earnings equal to or greater than 30 times the Federal Minimum Wage;
- 10) Individuals receiving unemployment insurance or individuals who have applied for unemployment insurance if the person was required to register for work with Job Service as part of the unemployment compensation application process; and
- 11) Persons who are full-time VISTA volunteers under Title I of the 1973 Domestic Volunteer Services Act (42 U.S.C. 4951 et seq.) who were a recipient of public assistance under Article VI of



## Section 121.160(b)(11) (continued)

the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 6-1 et seq.) when they joined VISTA, or are a full-time volunteer under Title II of the Act (15 U.S.C. 637 et seq.) which includes foster grandparents, senior health aides, senior companions, or persons serving in the Senior Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE).

(Source: Emergency rule added at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days)

Section 121.162 Participation and Cooperation Requirements  
EMERGENCY

a) To the extent resources allow, the Department shall establish employment, education and training programs for food stamp recipients in the Food Stamp Employment and Training program. All Food Stamp Assistance recipients not exempt under Section 121.160(b) may be required to participate and cooperate in the Food Stamp Employment and Training program to the extent resources allow. The individual will be given the participation requirements in writing for each component to which the individual is assigned. These components include:

- 1) Basic Education (see Section 121.172);
  - 2) Job Training (see Section 121.178);
  - 3) Job Search (see Section 121.170);
  - 4) Work Experience (see Section 121.176);
  - 5) Job Readiness (see Section 121.174);
  - 6) Grant Diversion (see Section 121.180); and
  - 7) Earnfare (see Section 121.182), which is limited to employable individuals who are otherwise eligible for Transitional Assistance and who volunteer for the Earnfare component.
- b) The individual may be required to participate in such employment and training programs for up to five (5) days per week and thirty (30) hours per week, up to a maximum of 120 hours per month.
- c) An individual is required to participate in the Food Stamp Employment and Training program by:

## Section 121.162(c) (continued)

1) Cooperating with the Food Stamp Employment and Training program. Cooperation with the Food Stamp Employment and Training program is defined as providing information on the individual's background, education level, and work history as well as factors affecting employability or ability to meet participation requirements (including health, physical or mental limitations, family problems, and any other related factors), appearing for scheduled meetings, and complying with the requirements of the Food Stamp Employment and Training program components identified in Sections 121.170 through 121.182.

2) Job Contacts in Job Search. Individuals are required to make twenty (20) acceptable employer contacts in every thirty (30) calendar days while in the Job Search component.

- A) Ten (10) of the twenty (20) required contacts must be either:
- i) the completion and return of an application; or
  - ii) a face to face interview with an employer.
- B) The remaining ten (10) contacts may be any combination of the following:
- i) the completion and return of an application;
  - ii) a face-to-face interview with an employer;
  - iii) the completion of a civil service test required for employment with the State, Local, or Federal Government;
  - iv) the completion of a Job Service screening test;
  - v) the mailing of a resume with a covering letter to an employer;
  - vi) for union members in good standing, reporting to the union hall;
  - vii) reporting to a day labor hall; or
  - viii) reporting for temporary office service.



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## Section 121.162(c)(2) (continued)

- C) Acceptable contacts are documented by written statements provided to the Food Stamp Employment and Training worker by the individual. The Food Stamp Employment and Training worker may verify the job contacts by contacting the employer.
- D) No individual shall be sanctioned for failure to make the appropriate number of job contacts if the individual has made a good faith effort to make the job contacts. Whether an individual has made a good faith effort to make the required number and types of contacts is based on all the facts and circumstances of each case. Good faith effort exists when circumstances beyond the control of the individual prevent the individual from making the required number of contacts. Good faith effort may include, but is not limited to the following:
- i) the individual appears for a scheduled interview and the employer misses the appointment;
  - ii) the individual has less than twenty (20) contacts and or less than ten (10) interviews or applications, but came reasonably close to the required numbers in an effort to find work;
  - iii) the individual fails a civil service or other employment screening test;
  - iv) the individual completes an application which is not accepted by the employer; and
  - v) the individual's job search performance indicates that the individual should be in a different Food Stamp Employment and Training component or in a rehabilitation program or should be evaluated by the Client Assessment Unit as potentially eligible for SSI.
- 3) Responding to a job referral of suitable employment (i.e., a written statement referring a mandatory registrant to an employer for a specific position);
- 4) Accepting a bona fide offer of suitable employment. An individual must be given the opportunity to explain why an offer of employment was not accepted.

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## Section 121.162(c)(4) (continued)

- A) A bona fide offer of suitable employment is where there was a definite offer of employment substantiated by confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for such work in the community, based on information obtained from the Department of Employment Security; and
- B) Suitable employment must meet the following requirements:
- i) there are no questions as to the mandatory registrant's inability to engage in such employment for medical reasons or because he has no way to get to or from the particular job;
  - ii) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection;
  - iii) wages offered must be at least the Federal minimum wage, the State minimum wage, or \$4.25 per hour (if neither the Federal nor State minimum wage is applicable);
  - iv) if the wages are offered on a piece-rate basis, the amount the individual can reasonably be expected to earn must equal the wages as outlined in subsection (c)(4)(B)(iii) above;
  - v) the mandatory registrant may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;
  - vi) there is no unreasonable degree of risk to the mandatory registrant's health and safety; and
  - vii) the mandatory registrant is physically and mentally competent to perform the work.
- 5) Registering and appearing for any subsequent interviews at the Department of Employment Security's Job Service offices.
- d) Food Stamp Employment and Training participants who are employed must:
- 1) Continue their employment; and



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## Section 121.162(d) (continued)

- 2) Not reduce their employment (i.e., voluntarily reducing work hours).
- e) Failure to participate or cooperate with the Food Stamp Employment and Training requirements listed in this Section will result in a food stamp disqualification and or financial sanction as outlined in Section 121.184.

(Source: Emergency rule added at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days)

Section 121.164 Orientation  
EMERGENCY

- a) The Department shall arrange for individuals to receive a program orientation and an assessment to develop an employability plan. The orientation may be conducted by a provider of training or employment programs. When the orientation is scheduled by the Department, individuals will be sent a letter from the Department which includes the following information:

- 1) the fact of the individual's registration;
- 2) the right to request an exemption;
- 3) a complete description of all available exemptions;
- 4) the date and time of the meeting;
- 5) a description of the program and the purpose of the meeting;
- 6) the consequences of failing to attend;
- 7) the right to reschedule the appointment with good cause;
- 8) the right to request transportation services to attend; and
- 9) the printed name of the worker to contact for such purposes.

- b) In an orientation meeting, individuals will receive an explanation of the Food Stamp Employment and Training program including Earnfare. The Orientation shall include information regarding participation requirements, the distribution of a Food Stamp Employment and Training program booklet and an explanation of its contents which contains program information including the following:

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## Section 121.164(b) (continued)

- 1) an overview of the Food Stamp Employment and Training program, including Earnfare for those who are eligible to participate in Earnfare;
  - 2) the exemption criteria listed in Section 121.160(b);
  - 3) a description of all Food Stamp Employment and Training program components, eligibility criteria, and specific participation requirements for each component;
  - 4) general participation requirements, such as appearing for scheduled meetings with Food Stamp Employment and Training program staff, responding to a job referral, and accepting a bona fide offer of suitable employment as described in Section 121.162(c);
  - 5) the individual's responsibilities while in the Job Search component as described in Sections 121.162(c)(2) and 121.170;
  - 6) the Job Search allowance and the other supportive services identified in Section 121.188;
  - 7) information on what constitutes an acceptable employer contact;
  - 8) the assessment process and employability plan as described in Section 121.166; and
  - 9) the result of the individual's failure to cooperate, without good cause, with the Food Stamp Employment and Training program.
- c) When providing an orientation to individuals eligible for Earnfare, the orientation meeting shall include an explanation of the maximum Earnfare payment amount, and the fact that individuals who volunteer for Earnfare are not subject to financial sanctions or food stamp disqualifications for refusal or failure to comply with Earnfare requirements.
- d) Mandatory registrants must attend all orientation meetings or notify their Food Stamp Employment and Training worker of good cause to be excused and have their meeting rescheduled (see Section 121.186).
- 1) If an individual fails to attend an orientation meeting on two separate occasions without good cause (see Section 121.186), Transitional Assistance and/or Food Stamp Assistance shall be discontinued.



Section 121.164(d) (continued)

- 2) If the mandatory registrant fails to attend an Orientation meeting on two separate occasions but has good cause (see Section 121.186) on at least one occasion, Transitional Assistance and/or Food Stamp Assistance shall be reinstated (if cancelled) and the mandatory registrant shall be reimbursed for any Transitional Assistance lost.
- 3) Transitional Assistance and/or Food Stamp Assistance shall be reinstated effective the date of the discontinuance if the mandatory registrant agrees to and subsequently attends an orientation meeting provided the date of agreement falls on or before the last day of the fiscal month of the discontinuance. Individuals who sign an agreement and who subsequently attend the orientation meeting shall receive an assessment (as explained in Section 121.166) as part of the orientation session.
- 4) The Department shall attempt to schedule the orientation meeting on the day that the mandatory registrant agrees to attend such orientation, or as soon thereafter as possible.

(Source: Emergency rule added at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days)

Section 121.166 Assessment and Employability Plan  
EMERGENCY

a) Assessment and Employability Plan

- 1) All individuals shall undergo an assessment to develop an employability plan.
- 2) The assessment shall include collection of information to the extent it is readily provided by the client on the individual's background, age, literacy, education achievement level, job training and work experience as well as factors affecting employability or ability to meet participation requirements (for example, health, physical or mental limitations, recent institutionalization, family problems). In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. As part of the assessment process, the individual and Department staff or provider shall work together to establish the employability plan and to identify any supportive service needs required to enable the individual to participate in employment and training and meet the objectives of their employability plan (see subsection (b)

Section 121.166(a)(2) (continued)

- below). If during assessment an individual is identified as "not employable," the individual will be referred to apply for Transitional Assistance and for a determination of "not employable" status.
- 3) The employability plan shall contain at least the following:
    - A) the employment-related objective;
    - B) the Food Stamp Employment and Training component placement;
    - C) the supportive services that must be provided or arranged; and
    - D) a statement that the supportive services have been provided by the Department or otherwise arranged, including an explanation of specific arrangements and services provided.
  - b) The assessment shall take place at least at the following times:
    - 1) within ten working days of the date the program orientation is provided to the individual;
    - 2) at any time to determine the individual's suitability for a different component (see Sections 121.170 through 182);
    - 3) if the individual is not cooperating with the requirements of the program (see Sections 121.162 and 121.170 through 182);
    - 4) prior to the assignment to a different component, or
    - 5) upon the request of the individual, if the individual is failing to make satisfactory progress in a component or thinks the component is not appropriate.
  - c) When the assessment is conducted by the Department, the individual will be notified in writing of the assessment meeting. The notice shall include the following information:
    - 1) the date and time of the interview;
    - 2) a description of the purpose of the interview;
    - 3) the consequences of failing to attend;



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## Section 121.166(c) (continued)

- 4) the right to re-schedule for good cause (see Section 121.186); and
  - 5) the address, telephone number and printed name of the person to contact for such purposes.
- d) Based on the assessment and the eligibility criteria for each Food Stamp Employment and Training component, an individual will be assigned to a component or components and receive component specific participation requirements (see Sections 121.170 through 182).

- 1) If an individual fails to appear for an assessment interview or to comply with the assessment process without good cause (see Section 121.186), Transitional Assistance and/or Food Stamp Assistance shall be discontinued for the assistance unit.
- 2) If an individual has good cause (see Section 121.186) for failing to appear for an assessment interview or to comply with the assessment process, Transitional Assistance and/or Food Stamp Assistance shall be reinstated (if cancelled) and the individual shall be reimbursed for any Transitional Assistance lost.

- 3) Transitional Assistance and/or Food Stamp Assistance which has been discontinued because of failure to participate/cooperate in the assessment process shall be reinstated if the individual agrees to undergo an assessment and the assessment subsequently takes place. The reinstatement shall be effective the date of the discontinuance provided the date of agreement falls on or before the last day of the fiscal month for which the discontinuance would be effective. If the date of agreement falls after the last day of the fiscal month for which the discontinuation would be effective, reinstatement shall be effective upon cooperation.

- 4) The Department shall attempt to schedule the assessment interview on the same day that the individual agrees to cooperate with the assessment or as soon thereafter as possible.

- 5) Transitional Assistance shall not be sanctioned (see Section 121.184) for noncooperation with the Food Stamp Employment and Training program prior to completion of the assessment process. Also, no individual shall be sanctioned for noncooperation with the Food Stamp Employment and Training program when the alleged noncooperation is based in whole or in part, on any act or

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## Section 121.166(d)(5) (continued)

omission of the individual which occurs prior to the completion of the assessment process.

- e) The individual shall be notified in writing of the discontinuance of Transitional Assistance and/or Food Stamp Assistance, due to failure to comply with this Section or Section 121.162(e). The notice shall state, with specificity, the action being taken and the reasons for the action, the acts constituting the noncompliance and the date of such acts. The notice shall also state the right to be restored to Transitional Assistance without loss of benefits upon completion of the conditions stated in this Section and Section 121.162(e).

- f) Food Stamp Employment and Training program participation shall not be required in the event that supportive services or other resources identified in the employability plan are needed for effective participation but are unavailable from the Department or from some reasonably available source.

(Source: Emergency rule added at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days)

Section 121.170 Job Search Component  
EMERGENCY

- a) Individuals assigned to the Job Search (JS) component based upon the employability plan must attend all scheduled meetings, including pre-arranged Job Skills Workshops conducted by other than Food Stamp Employment and Training staff. The individual will be notified in writing of all scheduled meetings. The failure of an individual to appear for scheduled meetings without good cause will constitute noncooperation.

- b) Individuals who fail to cooperate in Job Search without good cause shall be subject to financial sanction and/or food stamp disqualification as explained in Section 121.184.

- c) The individual is required to actively contact employers in his/her efforts to secure employment (i.e., mandatory registrants are required to make twenty (20) acceptable employer contacts every thirty (30) days). No individual shall receive a financial sanction and/or a food stamp disqualification for failure to make the appropriate number of job contacts, if the individual has made a good faith effort to make the job contacts (see Section 121.162(c)(2)).

- d) At the end of the Job Search period, an individual who has not found



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## Section 121.170(d) (continued)

a job but has demonstrated employability, will continue in Job Search. Employability is demonstrated by an individual's education, training, employment history, market factors, personal situations and experience in the Job Search component. After an individual has been placed in Job Search two consecutive times, the individual will be placed in a different component before being placed in Job Search again.

(Source: Emergency rule added at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days)

Section 121.172 Basic Education Component  
EMERGENCY

a) In the Basic Education component, Food Stamp Employment and Training staff provide information, referral, counseling services and supportive services to individuals to increase their employment potential and to remove significant barriers to employment. Individuals may be referred to testing, counseling and education resources, rehabilitation therapy, and agencies or programs which sponsor such activities, such as Job Training Partnership Act (JTPA) and Department of Rehabilitation Services (DORS).

b) Eligibility Criteria. Approval of education and training plans is based upon the Department's assessment of the following factors:

- 1) The program selected will lead to making an individual employable, taking into consideration the time required to complete, and the over-all cost and quality of the program (see Section 121.170(d)).
- 2) An individual has the aptitude, ability and interest necessary for success in the particular education or training program (as determined by such factors as test results, educational background and previous training).
- 3) The program must be administered by an educational institution accredited by the Illinois State Board of Education or the Department of Professional Regulation or is a Job Training Partnership Act (JTPA) funded program.
- 4) An individual must apply for the Pell grant and scholarships from the Illinois Student Assistance Commission, as well as, any scholarships or grants identified by the education or training facility for which an individual may be eligible. Such funds

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## Section 121.172(b)(4) (continued)

shall be exempt from consideration as income to the extent they are used to pay educational expenses, such as books, tuition and fees, provided the individual is participating under an approved Food Stamp Employment and Training education and training plan.

5) An individual does not possess a high school diploma or a GED certificate.

6) An individual must participate in a full-time program as defined by the educational program unless:

- A) a full-time program is not available (for example, a full-time GED program is not available); or
  - B) a part-time program is the most appropriate, as determined by the Food Stamp Employment and Training program.
- c) Entry into the Component. The assignment into the Basic Education component results from the joint employability plan developed by the individual and the Food Stamp Employment and Training worker (see Section 121.166).

## d) Participation Requirements

1) An individual must maintain a level of satisfactory progress as established and reported by the educational facility.

2) Failure of an individual to attend training or education classes three (3) times in a thirty (30) day period without good cause shall result in a financial sanction and/or food stamp disqualification (see Section 121.184). Failure to participate without good cause in classes as defined by the education or training facility shall result in a financial sanction and/or food stamp disqualification (see Section 121.184).

3) Curriculum changes can be made only with the prior written approval of the Food Stamp Employment and Training worker. Prior approval will be granted when the curriculum change is consistent with the written goals of the training program.

4) An individual must provide monthly verification of attendance and progress (i.e., statements signed by the instructor, educational records and reports prepared at the end of the term).

e) Contact with Individuals. An individual is to contact the Food Stamp Employment and Training worker on a monthly basis if the supportive



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## Section 121.172(e) (continued)

service payments identified in Section 121.188 are being issued.

- f) Availability of Slots. If the Department determines the individual should be in the Basic Education component, but there are no appropriate slots available, the individual shall be assigned to another component, while waiting for an appropriate Basic Education slot to become available.

(Source: Emergency rule added at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days)

Section 121.174 Job Readiness Component  
EMERGENCY

- a) An individual who has not found employment and who needs to learn the necessary essentials to obtain and maintain employment may be referred to the Job Readiness component. The Job Readiness component helps an individual gain necessary job finding skills to help find and retain employment.

## b) Eligibility Criteria

- 1) The Job Readiness component is appropriate for an individual determined to be near job ready and who requires assistance to perfect job finding techniques and improve interview skills needed to obtain and to retain employment.

- 2) Job Readiness activities may be combined with other component activities if determined appropriate.

## c) Participation Requirements

- 1) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based upon the individual's circumstances.

- 2) The individual must attend all scheduled classes or sessions. The individual must make satisfactory progress based upon the written policy of the job readiness provider. If there is a job search component in the program, the individual must make up to five (5) acceptable employer contacts in a thirty (30) day period.

(Source: Emergency rule added at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days)

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Section 121.176 Work Experience Component  
EMERGENCY

- a) An individual who needs orientation to work, work experience, or training in order to prevent deterioration of skills or to enhance existing skills may be referred to the Work Experience component. This is to provide the individual with a meaningful work experience. The work experience sponsor shall not use Work Experience mandatory registrants to displace regular employees.

- b) Eligibility Criteria. The Work Experience component is appropriate for mandatory registrants determined:

- 1) to have no recent work history or employer references taking into consideration such factors as the mandatory registrant's educational background and previous training; or

- 2) to need experience to prevent deterioration of skills, or to enhance existing skills (for example, typing).

## c) Entry into the Component

- 1) An individual who is determined eligible for the Work Experience component, based on an assessment of their education, training and employment history, may be assigned to the Work Experience component. Procedures used in the assessment are a face-to-face meeting with the individual and a review of all available information on the individual (including but not limited to an individual's case record).

- 2) The Work Experience involves participation in the fields of health, social services, environmental protection, urban and rural development, welfare, recreation, public facilities, public safety and day care. Individuals shall be placed in any of the fields, considering to the extent possible, their prior training, proficiency, experience, skills, and vocational preference. Individuals will be selected for the appropriate field taking into consideration such factors as an individual's work history and the needs of the sponsor.

## d) Participation Requirements

- 1) A work assignment consists of three (3) consecutive months. An individual is required to work with community based not-for-profit, private or government agencies and with public or private education and vocational training institutions. (The date an individual is to appear at the work assignment begins the work assignment period.) An individual is required to work



## Section 121.176(d)(1) (continued)

not more than the number of hours that correspond with his/her level of Transitional Assistance grant and/or Food Stamp benefits, divided by the federal minimum wage. If an individual is also a member of a Food Stamp household consisting of more than one person, Food Stamp benefits shall be prorated among all members of the household to determine the number of hours the registrant is required to complete in the work assignment.

- 2) During work assignment an individual may be required to participate in education and training programs. Additionally, an individual is required to accept bona fide offers of employment pursuant to Section 121.162(c)(4).
- 3) An individual is also required to report as scheduled and on time to their work assignment sponsor when notified of an assignment. When an individual cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment sponsor.
- 4) Failure to report to the job assignment initially without good cause or failure to attend the work assignment one day in a thirty day period without good cause shall result in a financial sanction and/or food stamp disqualification.
- e) Job Search. During work assignment, an individual who is not in an approved education and training program is required to make eight (8) acceptable employer contacts in a thirty (30) day period. Failure to make the required employer contacts without good cause, shall result in a financial sanction and/or food stamp disqualification (see Section 121.162(c)(2)).

f) Reassignment. At the end of the three (3) month period, an individual's employability will be evaluated using the procedures and criteria described in Section 121.166. If continuing the work assignment will benefit an individual in terms of furthering work skills (see subsection (b) above), the individual shall be reassigned to the work assignment. Otherwise, an individual will be assessed for assignment to another Food Stamp Employment and Training component.

## g) Displacement

- 1) The work assignment Sponsor shall not use individuals participating in the Food Stamp Employment and Training program to displace the Sponsor's employees:

## Section 121.176(g)(1) (continued)

- A) who are already employed as regular full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons, or any other reason;
- B) who are or have been involved in a labor dispute between a labor organization and the Sponsor; or
- C) who have been temporarily laid off by the Sponsor.
- 2) Individuals or their representatives may file a grievance with the Department if they believe their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:
  - A) the name and address of the individual (the grievant);
  - B) the individual's public aid case number;
  - C) the individual's social security number;
  - D) the work assignment (work site); and
  - E) a statement as to why an individual believes he/she is causing displacement.
- 3) Within ten (10) days of receipt of a written grievance, the Department will arrange an in-person conference with:
  - A) the individual;
  - B) the individual's representative, if any;
  - C) the work assignment Sponsor;
  - D) the work assignment Sponsor's representative, if any; and
  - E) the Department's representative.
- 4) At the in-person conference, the Department will solicit and receive from the individual and the work assignment Sponsor any documents and statements relevant to the matters alleged in the grievance. The work assignment Sponsor shall provide documents or other information requested by the individual and/or the



Section 121.176(g)(4) (continued)

Department.

- 5) Within fifteen (15) days of the in-person conference, the Department will advise the individual and the work assignment Sponsor, in writing, of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.
- 6) If the Department concludes that displacement occurred, the Department will terminate the individual's assignment to that work assignment Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the work assignment Sponsor has caused displacement by use of individuals participating in the Food Stamp Employment Training program in addition to the individual registrant, then the Department may terminate the Food Stamp Employment and Training program participants' assignment to that work assignment Sponsor.
- 7) All individuals are assured that no retaliation will be taken against them by the Department, its employees, or the work assignment Sponsor for filing a grievance or otherwise proceeding under this subsection (g).

(Source: Emergency rule added at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days)

Section 121.178 Job Training Component  
EMERGENCY

- a) Individuals who will benefit from short-term training and job placement assistance are referred to the Job Training component. The Job Training component offers special time-limited services for specific target populations.
- b) Eligibility Criteria. The Job Training component is appropriate for individuals determined to:
  - 1) be able to benefit from short-term vocational training (for example, an individual who has the interest and ability to complete the training program and be hired in a position for which an individual has trained);
  - 2) be readily employable with the addition of short-term training.

Section 121.178(b)(2) (continued)

(for example, training for a specific job for which there are jobs available); and

- 3) meet specific project entry criteria.
- c) Entry into the Component. Assignment of individual to Job Training will be made as a result of the assessment and development of the employability plan.
- d) Participation Requirements
  - 1) The individual must maintain a level of satisfactory attendance and progress as established and reported by the training provider. Failure of an individual to attend training classes, without good cause, three (3) times in a thirty (30) day period shall result in a financial sanction and/or food stamp disqualification as specified for the Job Training component.
  - 2) The individual must provide verification of attendance and progress (i.e., statements signed by the instructor, records and reports prepared at the end of the term). The individual must provide monthly verification of attendance.
- e) Contact with Individual
  - 1) The Food Stamp Employment and Training worker shall have contact with the individual on a monthly basis. Contact consists of attendance reports, progress reports, group or individual sessions, on-site program visits and written correspondence.
  - 2) The individual must provide verification and progress such as, statements signed by the instructor and records and reports prepared at the end of the term). The individual must provide monthly verification of attendance.

(Source: Emergency rule added at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days)

Section 121.180 Grant Diversion Component  
EMERGENCY

- a) In the Grant Diversion component, the individual's Transitional Assistance grant is diverted to the employer or contractor to offset the costs of training a new employee. The employer will be



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## Section 121.180(a) (continued)

responsible for making payments to the individual in the form of a salary, at not less than the federal minimum wage and the individual shall receive the same benefits as those provided to all company staff members, for their position title. At the end of the "training" period, the employer is expected to continue the employment of the individual without the diverted funds. The Transitional Assistance grant is diverted to a contractor who provides training and pays the individual wages during the training and then places the individual into unsubsidized full-time employment.

b) Eligibility Criteria. The Grant Diversion component is appropriate for individuals determined:

- 1) to be receiving Transitional Assistance grant and food stamps;
- 2) to possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background;
- 3) to need experience to prevent deterioration of, or to enhance existing skills; and
- 4) who volunteer.

c) Entry into the Component. The assignment to the Grant Diversion component results from the assessment and employability plan developed by the individual and the Food Stamp Employment and Training worker.

d) Participation Requirements

- 1) The individual must agree to accept wages from employment. The employer will be responsible for making payments to the individual in the form of a salary, at not less than the federal minimum wage (higher if the position warrants), less applicable payroll taxes in lieu of the cash grant, and the individual shall receive the same benefits as those provided to all company staff members for their particular position title.

- 2) The individual must attend all scheduled days. Failure to attend, as agreed, without good cause shall result in a food stamp disqualification and/or financial sanction and removal from the Grant Diversion project. If the individual cannot report to the Grant Diversion employer or if they will be late, they are to immediately notify their Grant Diversion employer.

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## Section 121.180(d) (continued)

- 3) Assignment to the component can continue for three (3) to six (6) months, as specified in the contract. Individuals are not entitled to be placed in a Grant Diversion slot. Grant Diversion slots are available only to the extent that resources permit.

- 4) The individual must do satisfactory work as determined by the employer or training provider.

- 5) Upon completion of the Grant Diversion assignment, participants are required to accept bona fide offers of employment pursuant to Section 121.162(c)(4).

e) Client Benefits

- 1) While actively involved in a training program an individual remains eligible for medical assistance.

- 2) An individual may also be entitled to certain supportive service payments, such as initial employment expenses.

f) Contacts with Employers/Training Providers

- 1) Employers/Training Providers that participate in the Grant Diversion program must enter into a written contract with the Department prior to receiving referrals under this program.

- 2) Employers/Training Providers must be, and remain in, good standing with the Illinois Department of Revenue, the Secretary of State and any and all regulatory agencies which have jurisdiction over their activities.

h) Displacement

- 1) The Grant Diversion sponsor shall not use individuals to displace persons:

- A) who are already employed as regular, full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons or any other reason;

- B) who are or have been involved in a labor dispute between a labor organization and the Sponsor;



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## Section 121.180(h)(1) (continued)

C) who have been temporarily laid off by the Grant Diversion employer.

2) Individuals in the Grant Diversion Component or their representatives may file a grievance with the Illinois Department if they believe their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:

- A) the name and address of the Grant Diversion individual (the grievant);
- B) the Grant Diversion individual's public aid case number;
- C) the Grant Diversion individual's social security number;
- D) the Grant Diversion employer (work site); and
- E) a statement as to why the Grant Diversion individual believes he/she is causing displacement.

3) Within ten (10) days of receipt of a written grievance, the Department will arrange an in-person conference with:

- A) the individual in the Grant Diversion Component;
- B) the representative of the individual in the Grant Diversion Component;
- C) the individual's Grant Diversion employer;
- D) the Grant Diversion employer's representative, if any; and
- E) the Department's representative.

4) At the in-person conference, the Department will solicit and receive from the individual in Grant Diversion and the Grant Diversion employer any documents and statements relevant to the matters alleged in the grievance. The Grant Diversion employer shall provide documents or other information requested by the individual and/or the Department.

5) Within fifteen (15) days of the in-person conference, the Department will advise the Grant Diversion participant and the

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## Section 121.180(h)(5) (continued)

Grant Diversion employer in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.

6) If the Department concludes that displacement occurred, the Department will terminate the individual's assignment to the Grant Diversion employer. If the Department concludes, as a result of the evidence presented at the conference, that the Grant Diversion employer has caused displacement by use of Food Stamp Employment and Training participants in addition to the individual in Grant Diversion, then the Department may terminate those individuals assigned to that Grant Diversion employer.

7) All individuals assigned to Grant Diversion are assured that no retaliation will be taken against them by the Department, its employees, or the Grant Diversion employer for filing a grievance or otherwise proceeding under this subsection (h).

(Source: Emergency rule added at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days)

Section 121.182 Earnfare Component  
EMERGENCY

a) Assignment to the Earnfare Component is limited to food stamp individuals who are initially otherwise eligible for Transitional Assistance and who are "employable" and volunteer to participate in Earnfare.

b) Eligibility Criteria

- 1) Eligibility for the Earnfare Component shall be limited to six (6) months out of any twelve (12) consecutive month period.
- 2) Individuals are not entitled to be placed in an Earnfare slot. Earnfare slots shall be made available only as resources permit.
- 3) To the extent resources permit, the Earnfare program will allow individuals to work for monthly payments and to improve their employability in order to succeed in obtaining employment.

c) Administration and Contracts

- 1) The Illinois Department shall administer the Earnfare program in Chicago.



## Section 121.182(c) (continued)

- 2) The Illinois Department may enter into cooperative agreements with local governmental units for the operation of the Earnfare program outside the city of Chicago that receive state funds and want to participate. The Department shall establish the policies and procedures for the program and monitor Earnfare programs in local governmental units.
- 3) The Illinois Department may enter into contracts with other public agencies including State agencies, local governmental units, and not-for-profit community based organizations to help develop Earnfare opportunities and otherwise administer the Program.
- 4) The Illinois Department shall provide Worker's Compensation coverage for each individual assigned to Earnfare.

## d) Notification and Referrals

- 1) In areas where an Earnfare program is operating, when the Illinois Department or the local governmental unit learns that individuals are in the following categories, it shall inform them in writing and, whenever possible, orally of the existence of Earnfare and the method for requesting an Earnfare referral.
  - A) Household approved or certified for non-assistance food stamps which do not have net food stamp income in excess of \$154.00, per month;
  - B) All persons denied or terminated from State Transitional Assistance because they are employable; and
  - C) All Earnfare participants shall be given a written notice at the time they leave the Earnfare program specifying when they will re-qualify.
- 2) The Illinois Department and participating downstate units shall make referrals to the Earnfare program as follows:
  - A) Any person may request a referral.
  - B) Within thirty (30) days after a request for an Earnfare referral:
    - i) persons who do not qualify for the Earnfare program shall be given or sent a notice informing them that they do not qualify and will not receive a referral;

## Section 121.182(d)(2)(B) (continued)

- ii) persons who request a referral and who qualify for the Earnfare program shall be provided with a written document that acknowledges the request and informs the individual that he/she is qualified.
- 3) Within thirty (30) days of notice of eligibility, individuals shall be assessed and referred to appropriate Earnfare slots, if slots are available.
- f) For the purposes of Earnfare, a "suitable" Earnfare slot must meet the following requirements:
  - 1) There are no questions as to the individual's ability to engage in such employment for medical reasons or because the individual has no way to get to or from the particular job;
  - 2) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection;
  - 3) the individual may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;
  - 4) there is no unreasonable degree of risk to the individual's health and safety; and
  - 5) the individual is physically and mentally competent to perform the work.
- g) Individuals participating in Earnfare shall not displace or substitute for regular, full-time or part-time employees, regardless of whether or not the employee is currently working, on a leave of absence, or in a position or similar position where a layoff has taken place or the employer has terminated the employment of any regular employee or otherwise reduced its work force with the effect of filling the vacancy so created with an individual subsidized under this program, or is or has been involved in a labor dispute between a labor organization and the sponsor.
- h) Entry into the Component
  - 1) Individuals shall be referred to suitable Earnfare slots with local governmental units, not-for-profit community based and local organizations, other public agencies, including State agencies and with private employers.



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Section 121.182(h) (continued)

2) To the extent appropriate slots are available, individuals will be referred to suitable Earnfare activities based on an assessment of the individual's age, literacy, education, educational achievement, job training, work experience, and recent institutionalization, whenever these factors are known and are relevant to the individual's success in carrying out the assigned activities and in ultimately obtaining employment. The Department or the participating local governmental unit shall discuss with the individual available Earnfare assignments together with any restrictions and qualifications the Earnfare employers have specified for the assignments. The individual's personal preferences for available Earnfare assignments and the individual's employment goals shall be ascertained and considered in making the Earnfare referral.

3) The Department and local governmental units shall maintain up-to-date public listings by area of Earnfare employers and current information regarding openings in those projects. These listings and the information shall be available to the public, in writing or by phone, during regular business hours.

i) Payments

1) Individuals participating in Earnfare shall engage in work equal to the amount of the food stamp benefits divided by the federal minimum wage and subsequently shall receive payment for each additional hour of performance in Earnfare activity, up to a maximum of \$154.00 per month. An individual is considered to have participated in Earnfare in any month he/she receives a payment. Individuals will be assigned hours of Earnfare based upon their initial food stamp authorization amount. An individual living in a multi-person food stamp household shall be deemed to be receiving a per capita share of the household's food stamp allotment, for purposes of calculating the Earnfare hours. During an individual's Earnfare participation the Department or the local governmental unit shall alter the Earnfare hours each time the individual's monthly food stamp benefit changes by at least \$20.00, effective the same month as the change in the food stamp benefit. Contractors will be notified by the Department or the local governmental unit of the number of hours of work to be performed by an individual in Earnfare.

2) Individuals remain financially eligible for Earnfare so long as they receive food stamps.

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Section 121.182(i) (continued)

3) The Department may pay participants directly or may contract for the Earnfare employer to pay the individual. Payments shall be made no less frequently than monthly. Individuals shall be paid only for the hours they have actually worked in excess of the food stamp hours of work obligation.

4) Individuals shall be credited with hours of work that the Earnfare employer certifies them to have completed, according to criteria set forth in the contract with the Illinois Department or the local governmental unit. The Department or the local governmental unit staff shall attempt to resolve disputes between the Earnfare employer and the individual when there is disagreement over the number of hours worked. If the dispute cannot be resolved, the individual may utilize the Illinois Department's appeal process.

5) The Illinois Department or the provider shall, in advance, provide individuals participating in Earnfare who need transportation with the cost of transportation in getting to and from the Earnfare site. Individuals obtaining unsubsidized employment while participating in Earnfare may be eligible for initial employment expenses and supportive services as stated in Section 121.188.

j) Participation Requirements

1) Individuals may volunteer to participate in Earnfare and participation shall be limited to only six (6) months out of any twelve (12) consecutive month period. Individuals participating in Earnfare shall engage in work equal to the amount of the food stamp benefits divided by the federal minimum wage and subsequently shall earn minimum wage assistance for each additional hour of work up to a maximum of \$154.00 per month. Individuals participating in Earnfare first work the number of hours equal to food stamp benefits and subsequently earn financial assistance benefits.

2) Individuals are required to report as scheduled and on time to their Earnfare employer when notified of a referral. When they cannot report to their Earnfare assignment or if they will be late, they are to immediately notify their Earnfare employer.

3) If the individual demonstrates an inability to sustain the work that has been assigned and the Earnfare assignment was appropriate to the individual's abilities, the Illinois



## Section 121.182(j)(3) (continued)

Department shall re-assess the individual and if appropriate shall refer the person to apply for Transitional Assistance or Interim Assistance and federal SSI benefits.

- 4) An individual may be dismissed by the employer from an Earnfare assignment prior to its completion. The Department or local governmental unit will determine if good cause exists on the part of the individual. If good cause is determined to exist, the individual will be returned to an Earnfare assignment. If good cause is determined not to exist, the individual will be re-assessed and a conciliation will be conducted. If the conciliation is successful, the individual will be referred to a different Earnfare assignment. If the conciliation is not successful, the individual will be barred from Earnfare participation for two months. These two months shall count towards the six months in any 12 month period limitation in subsection (g)(1) above. A dismissal from an Earnfare assignment shall not cause a food stamp sanction.

- 5) During Earnfare assignment, individuals are required to accept bona fide offers of suitable employment pursuant to Section 121.162(c)(4).

- 6) During the Earnfare assignment participants are required to apply for suitable jobs for which the provider makes a referral.

(Source: Emergency rule added at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days)

Section 121.184  
EMERGENCY Sanctions

- a) An individual who fails to cooperate with the Food Stamp Employment and Training program shall be subject to Transitional Assistance sanction and/or food stamp disqualification. Individuals who volunteer to participate in Earnfare are not subject to food stamp disqualifications for non-participation in Earnfare.

- 1) An individual who fails to cooperate with the requirements of the Food Stamp Employment and Training program shall be ineligible for Transitional Assistance for three (3) months for the first instance of non-cooperation and for six (6) months for each subsequent instance of non-cooperation and/or shall be disqualified for food stamps for two months.

## Section 121.184(a) (continued)

- 2) Transitional Assistance sanctions and/or food stamp disqualifications shall be imposed against those individuals who refuse or fail to participate without good cause in the Food Stamp Employment and Training program. See Section 121.186 for good cause.

- b) Non-cooperation with the Food Stamp Employment and Training program includes one (1) instance of any of the following:

- 1) refusal/failure to respond to a job referral;

- 2) refusal/failure to accept a bona fide offer of suitable employment (see Section 121.162(c)(4));

- 3) discontinuance of suitable employment (including quitting a job after placement and before cancellation) without good cause (see Section 121.162(d)(1));

- 4) reduction of suitable employment (i.e., hours of employment) without good cause (see Section 121.162(d)(1)); or

- 5) use of a supportive service payment (see Section 121.188) for something other than the supportive service for which it was provided.

- c) A Transitional Assistance sanction and/or food stamp disqualification will be imposed when an individual fails to comply, without good cause, with the following Food Stamp Employment and Training requirements on one (1) occasion, unless otherwise indicated:

- 1) An individual fails, without good cause, or refuses to respond to a written notice for an appointment. If an individual arrives anytime within thirty (30) minutes after the start of the scheduled meeting, the individual will be considered present. If an individual has good cause (see Section 121.186) for being more than thirty (30) minutes late, the tardiness will be excused. The Food Stamp Employment and Training worker will include the individual in a scheduled group or other meeting or re-schedule the individual for another meeting;

- 2) An individual refuses to accept child care, transportation, family counseling or other social service or employment and training services such as testing or employment counseling without good cause, thereby precluding or interrupting participation or progress in the employability plan;



## Section 121.184(c) (continued)

- 3) An individual fails to cooperate in Job Search one (1) time without good cause. Each missed session is considered an instance of non-cooperation. Failure of an individual to make the required twenty (20) employer contacts in a thirty (30) day period shall result in a Transitional Assistance sanction and/or a food stamp disqualification (see Sections 121.162(c)(2));
- 4) Individuals assigned to participate in an Education or a Training component activity must maintain a satisfactory level of attendance as established by the education or training facility. However, failure to attend training or education classes three (3) times in a thirty (30) day period without good cause shall result in a Transitional Assistance sanction and/or food stamp disqualification (see Section 121.186); and
- 5) Failure of an individual to attend training as specified for the Training component shall result in a sanction.

d) A Transitional Assistance sanction and/or food stamp disqualification shall be imposed only on a non exempt individual.

e) No Transitional Assistance sanction or food stamp disqualification will be imposed until Food Stamp Employment and Training staff has sent the individual a written notice scheduling a conciliation meeting and the individual has not shown good cause for non-cooperation and has either failed to attend the meeting without good cause or failed to complete the conciliation process (see Section 121.190). The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause and shall include a definition of good cause. Failure of the mandatory registrant to appear for the scheduled meeting is not considered an instance of non-cooperation.

f) A Transitional Assistance sanction and/or food stamp disqualification shall be rescinded at any level of the Transitional Assistance sanction and/or food stamp disqualification process up through and until the final agency decision, including any appeal hearing, even if not previously mentioned, if the individual establishes good cause (see Section 121.186 for good cause criteria).

g) The notice of change form issued for a Transitional Assistance sanction and/or food stamp disqualification shall include the following:

## Section 121.184(g) (continued)

- 1) a description of the acts of non-cooperation with the Food Stamp Employment and Training program including dates where applicable;
- 2) a statement that the individual's acts were without good cause (see Section 121.186 for good cause criteria) and if the individual provided a good cause reason it must state why the reason was rejected and that the individual failed to successfully complete the conciliation process; and
- 3) the following statement: "You will be sanctioned until (last day of sanction period). In order for Transitional Assistance and/or Food Stamp Assistance to be restored at the end of the financial sanction and/or food stamp disqualification period with no further gap in assistance, you must file an application for Transitional Assistance and/or Food Stamp Assistance between (date) and (date). If you apply later than (date), there may be a further gap in assistance."

(Source: Emergency rule added at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days)

Section 121.186 Good Cause for Failure to Cooperate  
EMERGENCY

a) If an individual has good cause for not complying with Food Stamp Employment and Training participation requirements, Transitional Assistance shall not be discontinued and/or the food stamp assistance unit shall not be disqualified. Examples of good cause include but are not limited to:

- 1) illness or incapacity;
- 2) court required appearance or temporary incarceration;
- 3) family crisis;
- 4) death in the family;
- 5) sudden and unexpected emergency;
- 6) breakdown in transportation arrangements or lack of reasonably available transportation;



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## Section 121.186(a) (continued)

- 7) inclement weather;
- 8) the job referral does not meet appropriate work or training criteria (see Section 121.166);
- 9) lack of any supportive service, or other resource as determined by the employability plan (see Section 121.166), even though the necessary service is not specifically provided under the Food Stamp Employment and Training program to the extent the lack of the needed service presents a significant barrier to participation;

- 10) if an individual is engaged in employment and/or training that is consistent with the employment related goals of the program, if such employment and training is later approved by Food Stamp Employment and Training program staff (e.g., an individual is unable to attend an Orientation meeting because he/she is already attending GED classes);
- 11) failure to cooperate due to symptoms of conditions for which an individual has been referred to a rehabilitation treatment program;
- 12) failure of Department staff to correctly forward the information to the Food Stamp Employment and Training program staff;
- 13) failure of the individual to cooperate because of attendance at a test or a mandatory class or function at an educational program whether or not such a program is officially approved by the Food Stamp Employment and Training program. When Food Stamp Employment and Training workers know in advance of such tests and mandatory classes or functions they shall schedule Food Stamp Employment and Training activities around them if possible;
- 14) failure of the individual due to the individual's illiteracy;
- 15) failure of the individual because it is determined that the individual should be in a different Food Stamp Employment and Training program component; or
- 16) non-receipt by an individual of a notice advising the individual of a participation requirement, if documented by the individual. Documentation can include, but is not limited to: a written statement from the post office or other informed individual; the notice not sent to an individual's last known

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## Section 121.186(a)(16) (continued)

address in Department records; return of the notice by the post office; other returned mail; and proof of previous mail theft problems. When determining whether or not the individual has demonstrated non-receipt, the Department shall take into consideration an individual's history of cooperation or non-cooperation in the past. If the documented non-receipt of mail occurs frequently, the Department shall explore an alternative means of providing notices of participation requests to individuals.

- b) The Department will not require an individual to document good cause for non-cooperation unless:
  - 1) the individual has failed to comply with work, training, rehabilitation, or advocacy requirements on at least one other occasion within a sixty (60) day period; or
  - 2) evidence, independent of the explanation of good cause, casts doubt on the individual's explanation.
- c) An individual shall not be denied good cause solely on the basis that he or she failed to notify the Department of the good cause in advance of a participation requirement.

(Source: Emergency rule added at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days)

Section 121.188 Supportive Services  
EMERGENCY

- a) Transitional Assistance individuals involved in the Food Stamp Employment and Training program are eligible to receive supportive service payments in advance, except for orientation, to enable them to participate in the program.
- b) During the assessment, the supportive services needed by an individual which must be discussed and provided or arranged as needed include at least the following:
  - 1) transportation;
  - 2) employment-related medical services (for example, TB test);
  - 3) vocational rehabilitation;



Section 121.188(b) (continued)

- 4) initial employment expenses;
  - 5) required books, fees, supplies; and
  - 6) pre-employment and pre-training physical examinations that are needed but not otherwise provided.
- c) Food Stamp Employment and Training program participation will not be required if supportive services are needed for effective participation but unavailable from the Department or some other reasonably available source.

d) Eligible Services

- 1) Transportation
  - A) If required and necessary, expenses for transportation will be provided to enable individuals to attend Orientation meetings.
  - B) Transportation expenses are to be paid to permit participation in the Job Search, Basic Education, Job Training, Job Readiness, Work Experience, Grant Diversion and Earnfare components.
  - C) Transportation payments are made at the most reasonable and economical rate, whichever is less. If the individual's own automobile is used, the established rate per mile (i.e. 15¢ per mile) will be approved, which includes all vehicle-related expenses.
  - D) Transportation expenses are to be paid to go to and from work until receipt of first full paycheck.

2) Job Search Expenses

- A) Individuals participating in Job Search will receive an amount not to exceed \$20.00 a month to assist in the payment of job search related expenses.
- B) An allowance of \$5.00 a month will be paid to individuals participating in the Work Experience and Job Readiness to assist in the payment of job search related expenses.

Section 121.188(d) (continued)

- 3) Mandatory Fees. Mandatory fees, including application, registration, activities, laboratory, graduation and testing fees including the fee for the GED test, are provided to individuals enrolled in approved education or training programs (see Sections 121.170 through 182). A maximum payment of \$300.00 per twelve (12) month period can be provided. No payments are allowed for tuition.
- 4) Books and Supplies. Payment is allowed for books, supplies and equipment purchased in accordance with the facility's published list of required items for the particular program in which an individual is enrolled. A maximum payment of \$300.00 per twelve (12) month period can be provided.
- 5) Physical Examinations. Payment is permitted for individuals to obtain required physical examinations if the costs are not otherwise provided by sources such as the employer or the training program.
- 6) Initial Employment Expenses
  - A) Payment may be provided for employment expenses incurred when requested within thirty (30) calendar days from the date employment begins. These expenses are paid based on the individual's work days during a thirty (30) calendar day period from the date employment begins. The total amount of all Initial Employment Expenses provided shall not exceed \$400 in a twelve (12) consecutive month period. Payment may be made to individuals employed at least twenty (20) hours weekly on a job that is expected to last at least thirty (30) calendar days, or employed less than twenty (20) hours weekly on a job that is expected to last at least thirty (30) calendar days and total hours of employment plus component activity equal at least twenty (20) hours per week.
  - B) These expenses include:
    - i) Special clothing (maximum \$200);
    - ii) Required tools which are not provided by the employer (maximum \$200);
    - iii) Repairs of an automobile (maximum \$300);



## Section 121.188(d)(6)(B) (continued)

- iv) Auto license plate fees;
  - v) Auto liability insurance at the cheapest rate but not to exceed \$150 or three months coverage, whichever is less costly;
  - vi) Transportation expenses at the most reasonable and economical rate, whichever is less. If the mandatory registrant's own car is used, a gas allowance of \$3.00 daily or a rate of 15¢ per mile, whichever is less, shall be authorized;
  - vii) Child care;
  - viii) Physical examination prior to employment if required and not provided by the employer;
  - ix) Other required items related to a specific job (maximum \$300); and
  - x) Item(s) or service(s) purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum \$300.00). Item(s) and service(s) may include but are not limited to the purchase of fire extinguishers, smoke alarms, first aid kits and installation of a telephone.
- C) Initial employment expenses will not be authorized to purchase firearms, pay bail bonds or traffic tickets, or pay relocation expenses so an individual can accept employment elsewhere.
- D) Also not permitted as an initial employment expense are expenses required for the self-employment of the individual except when expenses will assist the individual in becoming an Illinois Department of Children and Family Services licensed child care provider.
- e) These allowances are exempt from consideration in determining the Transitional Assistance grant amount.

(Source: Emergency rule added at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days)

Section 121.190 Conciliation and Fair Hearings  
EMERGENCY

- a) The Department shall establish a conciliation procedure to be used upon determining that an individual has refused or failed to comply with a Food Stamp Employment Training program requirement. The conciliation process will be used to determine the reason(s) an individual did not comply with the Food Stamp Employment and Training program and provide the individual with an opportunity to comply prior to the imposition of a Transitional Assistance sanction and/or a food stamp disqualification.
- b) The conciliation period shall begin the day following the date of the Food Stamp Employment and Training program's discovery of an individual's refusal or failure to comply with program requirements and shall continue for a period not to exceed thirty (30) calendar days. Within this conciliation period, an individual shall receive notice in writing of a meeting to ascertain the reason(s) for the refusal or failure and to determine whether good cause exists. If it is determined that good cause does not exist, the Food Stamp Employment and Training program shall inform the individual of the pertinent Food Stamp Employment and Training program requirements and the consequences of failing to comply. The individual shall be informed of the actions necessary for compliance and the date by which compliance must be achieved to avoid the initiation of Transitional Assistance sanction and/or food stamp disqualification procedures. The compliance date may not exceed the end of the conciliation period. To avoid Transitional Assistance sanction and/or food stamp disqualification, an individual must perform a verifiable act of compliance within the thirty (30) day conciliation period. Verbal commitment by an individual is not sufficient, unless the individual is prevented from complying by circumstances beyond the individual's control, such as unavailability of a component. If it is apparent that the individual will not comply, for example, the individual refuses to comply and does not have good cause, the Food Stamp Employment and Training program may end the conciliation period early and proceed with Transitional Assistance sanction and food stamp disqualification procedures. The individual's refusal to comply shall be documented in the case record.
- c) If the individual does not comply during the conciliation period the Food Stamp Employment and Training program shall initiate sanction action no later than the last day of the conciliation period. Transitional Assistance sanction action and/or food stamp disqualification may be cancelled if the Food Stamp Employment and Training program is able to verify that compliance was achieved by the end of the conciliation period.



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## Section 121.190 (continued)

- d) An individual will be provided with a written notice of sanction, which includes the particular act of refusal or failure to comply and the proposed period of Transitional Assistance sanction and/or food stamp disqualification. The notice shall also specify when the individual may reapply. Information shall also be included, on or with the notice of adverse action, that describes the action which can be taken to end or avoid the Transitional Assistance sanction and/or food stamp disqualification procedures. The individual has the right to request an appeal hearing through the Department's fair hearing process. An individual shall be allowed to examine the Food Stamp Employment and Training program case record at a reasonable time before the date of the appeal hearing, except for confidential information that the Food Stamp Employment and Training program determines should be protected from release. Confidential information not released to an individual may not be used by either party at the hearing.

(Source: Emergency rule added at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days)

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1) Heading of the Part: General Assistance

2) Code Citation: 89 Ill. Adm. Code 114

3) Section Numbers: Emergency Action:

|                           |           |
|---------------------------|-----------|
| 114.120                   | Amendment |
| 114.121, 114.124, 114.125 | Repeal    |
| 114.126, 114.127, 114.128 | Repeal    |
| 114.129, 114.130, 114.135 | Repeal    |

4) Statutory Authority: Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 6-1 et seq. and 12-13) and Public Act 87-893 (Senate Bill 1717), effective August 5, 1992

5) Effective Date of Amendments: October 1, 1992

6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable

7) Date Filed in Agency's Principal Office: October 1, 1992

8) Reason for Emergency:

These emergency amendments are necessary to implement the Earnfare program and other components of the Food Stamp Employment and Training Program. These emergency changes in the General Assistance rules replace provisions which conflict with the new program and provide appropriate references to the program. This program is authorized by Public Act 87-893 (Senate Bill 1717), which was enacted effective August 5, 1992. Implementation of this program by October 1, 1992, is necessary to insure the availability of services to the individuals covered by this program and is consistent with the intent of Public Act 87-893.

9) Complete Description of the Subjects and Issues Involved:

The Department of Public Aid is adopting these amendments to the General Assistance rules (89 Ill. Adm. Code 114) on an emergency basis as part of its implementation of the Food Stamp Employment and Training Program, including the Earnfare component. These emergency changes in the General Assistance rules replace provisions which conflict with the new program and provide appropriate references to the program. The amendments are also being proposed for permanent adoption.

Many of the provisions included in the Food Stamp Employment and Training Program in the Food Stamp rules (89 Ill. Adm. Code 121) are based on the



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current rules under the General Assistance program. The relationship between these rules is indicated in the following chart, which should assist interested persons in determining the substantive changes in the program:

| Current Provisions<br>in Part 114 | New Provisions<br>in Part 121 | Subject                          |
|-----------------------------------|-------------------------------|----------------------------------|
| Section 114.121                   | Section 121.160               | Persons Required to Participate  |
| Section 114.124                   | Section 121.162               | Participation, Cooperation       |
| Section 114.125                   | Section 121.164               | Orientation                      |
| Section 114.126                   | Section 121.166               | Assessment, Employability Plan   |
| Section 114.127(a)                | Section 121.170               | Job Search Component             |
| Section 114.127(b)                | Section 121.172               | Basic Education Component        |
|                                   | Section 121.174               | Job Readiness Component          |
|                                   | Section 121.176               | Work Experience Component        |
|                                   | Section 121.178               | Job Training Component           |
|                                   | Section 121.180               | Grant Diversion Component        |
| Section 114.127(e)                | Section 121.184               | Sanctions                        |
| Section 114.128                   | Section 121.186               | Good Cause, Failure to Cooperate |
| Section 114.129                   | Section 121.188               | Supportive Services              |
| Section 114.130                   | Section 121.190               | Conciliation, Fair Hearings      |
| Section 114.135                   |                               |                                  |

The amendments to Section 114.120 provide references to the Food Stamp Employment and Training Program, which indicate individuals who may be eligible to participate or required to participate.

The Department estimates that the cost of operation of the Earnfare program for Fiscal Year 1993 at about \$10 million. No other increases in expenditures are anticipated as a result of these proposed amendments.

## 10) Are there any Proposed Amendments pending to this Part? Yes

| Sections | Proposed Action | Illinois Register Citation              |
|----------|-----------------|---|
| 114.1    | Amendment       | July 17, 1992 (16 Ill. Reg. 11401)      |
| 114.1    | Amendment       | September 11, 1992 (16 Ill. Reg. 13766) |
| 114.2    | Amendment       | July 17, 1992 (16 Ill. Reg. 11401)      |
| 114.2    | Amendment       | September 11, 1992 (16 Ill. Reg. 13766) |
| 114.9    | Amendment       | September 4, 1992 (16 Ill. Reg. 13395)  |
| 114.270  | Repeal          | October 2, 1992 (16 Ill. Reg. 15287)    |
| 114.351  | Amendment       | July 17, 1992 (16 Ill. Reg. 11401)      |
| 114.351  | Amendment       | September 11, 1992 (16 Ill. Reg. 13766) |
| 114.352  | Amendment       | July 17, 1992 (16 Ill. Reg. 11401)      |
| 114.352  | Amendment       | September 11, 1992 (16 Ill. Reg. 13766) |
| 114.353  | Amendment       | July 17, 1992 (16 Ill. Reg. 11401)      |
| 114.353  | Amendment       | September 11, 1992 (16 Ill. Reg. 13766) |
| 114.420  | Amendment       | October 2, 1992 (16 Ill. Reg. 15287)    |

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| Sections | Proposed Action | Illinois Register Citation              |
|----------|-----------------|---|
| 114.430  | Amendment       | October 9, 1992 (16 Ill. Reg. 15287)    |
| 114.440  | New Section     | September 25, 1992 (16 Ill. Reg. 14538) |

11) Statement of Statewide Policy Objectives: Units of local government may participate as employers in the Earnfare program established under these emergency amendments. No additional requirements are being imposed on units of local government.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Judy Umunna  
Address: Bureau of Rules and Regulations  
 Illinois Department of Public Aid  
 100 South Grand Avenue East, Third Floor  
 Springfield, Illinois 62762  
Telephone: (217) 524-3215

The full text of the Emergency Amendments begins on the next page:



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114  
GENERAL ASSISTANCE

## SUBPART A: GENERAL PROVISIONS

| Section            | Description of the Assistance Program |
|--------------------|---------------------------------------|
| 114.1<br>EMERGENCY |                                       |
| 114.2<br>EMERGENCY | Determination of Not Employable       |
| 114.5              | Incorporation By Reference            |

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

| Section |   |
|---------|---|
| 114.9   | Client Cooperation  |
| 114.10  | Citizenship   |
| 114.20  | Residence   |
| 114.30  | Age   |
| 114.40  | Relationship  |
| 114.50  | Living Arrangement  |
| 114.52  | Social Security Numbers   |
| 114.60  | Work Registration Requirements (Outside City of Chicago only)                         |
| 114.61  | Individuals Exempt From Work Registration Requirements (Outside City of Chicago only) |
| 114.62  | Job Service Registration (Outside City of Chicago only)                               |
| 114.63  | Failure to Maintain Current Job Service Registration (Outside City of Chicago only)   |
| 114.64  | Responsibility to Seek Employment (Outside City of Chicago only)                      |
| 114.70  | Initial Employment Expenses (Outside City of Chicago only)                            |
| 114.80  | Downstate General Assistance Work and Training Programs                               |
| 114.85  | Downstate General Assistance - Food Stamps Employment and Training Pilot Project      |
| 114.90  | Project Chance Participation/Cooperation Requirements (Renumbered)                    |
| 114.100 | General Assistance Jobs Program (Repealed)  |

## SUBPART C: PROJECT ADVANCE

| Section |   |
|---------|---|
| 114.108 | Project Advance   |
| 114.109 | Project Advance Participation Requirements of Adjudicated Fathers |
| 114.110 | Project Advance Cooperation Requirements of Adjudicated Fathers   |
| 114.111 | Project Advance Sanctions   |

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114.113 Project Advance Good Cause for Failure to Comply  
114.115 Individuals Exempt From Project Advance  
114.117 Project Advance Supportive Services

## SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS PROJECT-CHANCE

| Section              |  |
|----------------------|--|
| 114.120<br>EMERGENCY | Employment and Training Requirements for Transitional-Assistance-Programs-Administered-by-the-Illinois-Department-of-Public-Aid            |
| 114.121<br>EMERGENCY | Persons Required to Participate in Project Chance (Repealed)   |
| 114.122              | Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed) |
| 114.123              | Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)  |
| 114.124<br>EMERGENCY | Employment and Training Participation/Cooperation Requirements (Repealed)  |
| 114.125<br>EMERGENCY | Employment and Training Program Orientation (Repealed)   |
| 114.126<br>EMERGENCY | Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)                                       |
| 114.127<br>EMERGENCY | Employment and Training Program Components (Repealed)  |
| 114.128<br>EMERGENCY | Employment and Training Sanctions (Repealed)   |
| 114.129<br>EMERGENCY | Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)   |
| 114.130<br>EMERGENCY | Employment and Training Supportive Services (Repealed)   |
| 114.135<br>EMERGENCY | Conciliation and Fair Hearings (Repealed)  |
| 114.140<br>EMERGENCY | Employment Child Care (Repealed)   |

## SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

| Section |   |
|---------|---|
| 114.200 | Unearned Income   |
| 114.201 | Budgeting Unearned Income   |
| 114.202 | Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision |
| 114.203 | Initial Receipt of Unearned Income  |
| 114.204 | Termination of Unearned Income  |
| 114.210 | Exempt Unearned Income  |
| 114.220 | Education Benefits  |
| 114.221 | Unearned Income In-Kind   |
| 114.222 | Earmarked Income  |



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114.223 Lump Sum Payments  
114.224 Protected Income  
114.225 Earned Income  
114.226 Budgeting Earned Income  
114.227 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision  
114.228 Initial Employment  
114.229 Termination of Employment  
114.230 Exempt Earned Income  
114.235 Recognized Employment Expenses  
114.240 Income From Work/Study/Training Program (Repealed)  
114.241 Earned Income From Self-Employment  
114.242 Earned Income From Roomer and Boarder  
114.243 Earned Income From Rental Property  
114.244 Earned Income In-Kind  
114.245 Payments from the Illinois Department of Children and Family Services  
114.246 Budgeting Earned Income For Contractual Employees  
114.247 Budgeting Earned Income For Non-contractual School Employees  
114.250 Assets  
114.251 Exempt Assets  
114.252 Asset Disregards  
114.260 Deferral of Consideration of Assets (Repealed)  
114.270 Property Transfers  
114.280 Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section  
114.350 Payment Levels for General Assistance  
114.351 Payment Levels in Group I Counties  
EMERGENCY  
114.352 Payment Levels in Group II Counties  
EMERGENCY  
114.353 Payment Levels in Group III Counties  
EMERGENCY

SUBPART G: OTHER PROVISIONS

Section  
114.400 Persons Who May Be Included In the Assistance Unit  
114.401 Eligibility of Strikers  
114.402 Special Needs Authorizations  
114.403 Institutional Status  
114.404 Retrospective Budgeting  
114.405 Budgeting Schedule  
114.420 Redetermination of Eligibility

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114.430 Twelve Month Extension of Medical Assistance Due to Increased Income From Employment  
114.440 Attorney's Fees for VA Appellants  
EMERGENCY  
SUBPART H: CHILD CARE  
Section  
114.450 Child Care  
114.452 Child Care Eligibility  
114.454 Qualified Provider  
114.456 Notification of Available Services  
114.458 Participant Rights and Responsibilities  
114.462 Additional Service to Secure or Maintain Child Care Arrangements  
114.464 Rates of Payment for Child Care  
114.466 Method of Providing Child Care

SUBPART I: TRANSITIONAL CHILD CARE

Section  
114.500 Transitional Child Care Eligibility  
114.504 Duration of Eligibility for Transitional Child Care  
114.506 Loss of Eligibility for Transitional Child Care  
114.508 Qualified Provider  
114.510 Notification of Available Services  
114.512 Participant Rights and Responsibilities  
114.514 Child Care Overpayments and Recoveries  
114.516 Fees for Service for Transitional Child Care  
114.518 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 6-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13,



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1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24,

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1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989 for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710,



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effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

## SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS PROJECT-CHANCE

Section 114.120 Employment and Training Requirements for Transitional Assistance Programs Administered by the Illinois Department of Public Aid

Sections 114.121 through 114.130 apply to Transitional Assistance cases in the City of Chicago. This subpart provides for a system of employment and training services for Transitional Assistance clients. To the extent that any of these Sections conflict with other Sections in this Part, these Sections shall control for such persons.

- a) Transitional Assistance clients who are not exempt and who are receiving food stamps may be required to participate in the Food Stamp Employment and Training Program. Refer to 89 Ill. Adm. Code 121.160.
- b) Non-exempt clients receiving Family and Children Assistance may be required to participate in the Food Stamp Employment and Training program. See 89 Ill. Adm. Code 112.70 through 112.76 for requirements for these clients.

(Source: Emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days)

Section 114.121 Persons Required to Participate in Project Chance (Repealed)

All recipients of Transitional Assistance in a program administered by the Department shall be required to participate in employment and training programs as a condition of eligibility with the following exceptions:

- a) Individuals age 60 or over;

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## Section 114.121 (continued)

- b) Individuals receiving General Assistance through the Children and Family Assistance program in which case such persons shall be subject to 89 Ill. Adm. Code 112.70 through 112.76 (AFDC Project Chance Program);
- e) Individuals found chronically medically unable to participate in employment and training programs. An individual is chronically medically unable to participate in employment and training programs as determined by the Department when a physician or licensed/certified psychologist finds that a physical or mental impairment (or combination of impairments) either by itself or in conjunction with age or other factors prevents the individual from engaging in employment or training programs. This determination will be made by considering whether the physical or mental impairment can be expected to last at least six (6) months and whether the physical or mental impairment (or combination of impairments) would make it difficult for the client to attend classes or training or to seek a job in person or make success in a training program unlikely or make successful performance of a full-time job unlikely. In making this determination, a client's age and lack of education shall be considered;
- e) Homeless persons. Under this exemption, a homeless person is someone who has no current residence and no expectation of acquiring a residence in the next thirty (30) days. This definition excludes individuals who are living with friends or relatives on a continuing basis. This definition includes persons residing in overnight or transitional shelters;
- e) Individuals who are participating and cooperating in a rehabilitation service program under Section 114.123;
- f) Persons who are temporarily ill.
- 1) An individual is temporarily ill, when determined by the Department, on the basis of medical evidence or on another sound basis, that the illness/injury is serious enough to temporarily prevent the individual from engaging in employment or participating in Project Chance. A sound basis for exemption on a temporary basis includes but is not limited to:
  - A) the observation of a cast on a broken leg; or
  - B) information of a scheduled surgery or recuperation from surgery.



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## Section 114.121(f) (continued)

- 2) Minor ailments and injuries such as eczema, broken fingers or rashes are normally not serious enough to exempt the individual under this criterion.
- g) Persons who have another household member who requires the full-time care of the client, and
- h) Persons who are full-time VISTA volunteers under Title I of the 1973 Domestic Volunteer Service Act (42 U.S.C. 4951 et seq.) who were a recipient of public assistance under Article VI of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 6-1 et seq.) when they joined VISTA, or are a full-time volunteer under Title II (i.e., foster grandparents, senior health aides, senior companions, or persons serving in the Senior Corps of Retired Executives (SCORE) (15 U.S.C. 637 et seq.) and Active Corps of Executives (ACE) of the Act (15 U.S.C. 637 et seq.).

(Source: Emergency repealer at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days)

## Section 114.124 Employment and Training Participation/Cooperation Requirements (Repealed)

## EMERGENCY

- a) The Department shall establish employment and training programs for recipients in General Assistance programs administered by the Department. All General Assistance recipients not exempt under Section 114.121 shall participate and cooperate in Department employment and training programs. The client will be given, in writing, the participation requirements for each component to which the client is assigned. These employment and training programs include:
- 1) Job Search,
  - 2) Pre-Employment,
  - 3) Job Club,
  - 4) Work Experience, and
  - 5) Special Projects.
- b) The client may be required to participate in such employment and training programs for up to five (5) days per week and forty (40) hours per week. The amount of time the client is required to participate in the employment and training programs shall not be limited by the client's grant amount or by the relation of the grant amount to the hours of participation and applicable minimum wage, except that work experience jobs shall be limited to hours reflecting the grant amount, feed stamps and minimum wage as defined in Section 114.127(d)(2).

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## Section 114.124(b) (continued)

- hours per week. The amount of time the client is required to participate in the employment and training programs shall not be limited by the client's grant amount or by the relation of the grant amount to the hours of participation and applicable minimum wage, except that work experience jobs shall be limited to hours reflecting the grant amount, feed stamps and minimum wage as defined in Section 114.127(d)(2).
- e) A mandatory registrant is required to participate in Project Chance by:
- 1) Cooperating with Project Chance. Cooperation with Project Chance is defined as providing information on the individual's background, education level, work history as well as factors affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, family problems, etc.), appearing for scheduled meetings, and complying with the requirements of Project Chance components identified in Section 114.127.
- 2) Job Contacts in Job Search. Mandatory registrants are required to make twenty (20) acceptable employer contacts in every thirty (30) calendar days while in the Job Search component.
- A) Ten (10) of the twenty (20) required contacts must be either:
- i) the completion and return of an application, or
  - ii) a face-to-face interview with an employer.
- B) The remaining ten (10) contacts may be any combination of the following:
- i) the completion and return of an application,
  - ii) a face-to-face interview with an employer,
  - iii) the completion of a civil service test required for employment with State, Local, or Federal Government,
  - iv) the completion of a Job Service screening test,
  - v) the mailing of a resume with a covering letter to an employer.



## Section 114.124(c)(2)(B) (continued)

vi) for union members in good standing, reporting to the union hall;

vii) reporting to a day-labor hall; and

viii) reporting for temporary office service.

C) Acceptable contacts are documented by written statements provided to the Project-Chance Worker by the registrant. The Project-Chance worker may verify the job contact by contacting the employer.

D) No client shall be sanctioned for failure to make the appropriate number of job contacts if the client has made a good faith effort to make the job contact. Whether a client has made a good faith effort to make the required number and types of contacts is based on all the facts and circumstances of each case.

E) Good faith effort exists when circumstances beyond the control of the client prevent the client from making the required number of contacts. Good faith effort may include, but is not limited to the following:

i) the client appears for a scheduled interview and the employer misses the appointment;

ii) the client has less than twenty (20) contacts and/or less than ten (10) interviews or applications, but came reasonably close to the required numbers in an effort to find work;

iii) the client fails a civil service or other employment screening test;

iv) the client completes an application which is not accepted by the employer; and

v) the client's job search performance indicates that he should be in a different Project-Chance component or General Assistant component under Sections 114.122 and 114.123.

3) Responding to a job referral of suitable employment (i.e., a written statement referring a mandatory registrant to an

## Section 114.124(c)(3) (continued)

employer for a specific position);

4) Accepting a bona fide offer of suitable employment. A mandatory registrant must be given the opportunity to explain why an offer of employment was not accepted.

A) A bona fide offer of suitable employment is where there was a definite offer of employment substantiated by confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for such work in the community, based on information obtained from the Department of Employment Security and

B) Suitable employment must meet the following requirements:

i) there are no questions as to the mandatory registrant's inability to engage in such employment for medical reasons or because he has no way to get to or from the particular job;

ii) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection;

iii) wages offered must be at least the Federal minimum wage, the State minimum wage, or \$3.35/hour (if neither the Federal nor State minimum wage is applicable);

iv) if the wages are offered on a piece-rate basis, the amount the client can reasonably be expected to earn must equal the wages as outlined in Section 114.124(a)(4)(B)(iii) above;

v) the mandatory registrant may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;

vi) there is no unreasonable degree of risk to the mandatory registrant's health and safety; and

vii) the mandatory registrant is physically and mentally competent to perform the work.



## Section 114.124(c) (continued)

- 5) Registering and appearing for any subsequent interviews, at the Department of Employment Security's Job Service offices.
- d) Additionally, after registration is completed, these Project-Chance mandatory registrants who are employed must:
  - 1) continue their employment, and
  - 2) not reduce their employment (i.e., voluntarily reducing work hours).
- e) Failure to participate/cooperate with the Project-Chance requirements listed in this Section will result in sanction as outlined in Section 114.128, if the client has been provided a full assessment, if the client has not received a full assessment and fails to cooperate, the client shall be called in to receive a full assessment.

(Source: Emergency repealer at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days)

Section 114.125 Employment and Training Program Orientation (Repealed)  
EMERGENCY

- a) A nonexempt adult must participate in Project-Chance as a requirement of eligibility for General Assistance. After Project-Chance registration is completed, the mandatory registrant shall attend a Project-Chance Orientation meeting(s).
- b) Within thirty (30) days from the date a client's application for General Assistance is approved or an exempt client volunteers for Project-Chance, Project-Chance will send the client a letter requesting that he/she attend a Project-Chance Orientation meeting. In addition, other Project-Chance clients may be required to participate in an Orientation meeting prior to being assigned to one of the Project-Chance components if it is determined that the client can benefit from Orientation. The letter shall include the following information:
  - 1) the fact of the person's registration
  - 2) the right to request an exemption
  - 3) a complete description of all available exemptions

## Section 114.125(b) (continued)

- 4) the date and time of the meeting,
- 5) a description of the program and the purpose of the meeting,
- 6) the consequences of failing to attend,
- 7) the right to reschedule the appointment with good cause,
- 8) the right to request transportation services to attend, and
- 9) the printed name of the person to contact for such purposes.
- e) The Orientation meeting begins the Job Search component (see Section 114.127) only for those mandatory registrants at that time assigned to Job Search and consists of Project-Chance staff informing the mandatory registrant as to Project-Chance participation requirements, distributing a copy of the Project-Chance booklet to mandatory registrants, and explaining its contents. The Project-Chance booklet contains program information including the following:
  - 1) an overview of Project-Chance,
  - 2) the exemption criteria listed in Section 114.121,
  - 3) a description of all Project-Chance components, eligibility criteria, and specific participation requirements for each component,
  - 4) general participation requirements i.e., appearing for scheduled meetings with Project-Chance staff, responding to a job referral, accepting a bona fide offer of suitable employment (see Section 114.124),
  - 5) the mandatory registrant's responsibilities while in the Job Search component (see Section 114.127),
  - 6) the Job Search allowance and the other Support Services identified in Section 114.130,
  - 7) information on what constitutes an acceptable employer contact,
  - 8) the full assessment process and employment plan (see Section 114.126), and
  - 9) the result of the mandatory registrant's failure to cooperate.



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## Section 114.125(c)(9) (continued)

without good cause with Project Change.

a) In addition, job seeking skills exercises are conducted and mandatory registrants are given a pre-printed form with standard participation requirements for the component to which they are assigned.

e) Mandatory registrants must attend all Orientation meetings or notify their Project Change worker of good cause to be excused and have their meeting rescheduled (see Section 114.129).

1) If a mandatory registrant fails to attend an Orientation meeting on two separate occasions without good cause (see Section 114.129), General Assistance shall be discontinued for the assistance unit.

2) If the mandatory registrant fails to attend an Orientation meeting on two separate occasions but has good cause on at least one occasion (see Section 114.129), General Assistance shall be reinstated (if cancelled) and the mandatory registrant shall be reimbursed for any General Assistance lost.

3) General Assistance shall be reinstated effective the date of the discontinuance if the mandatory registrant agrees to and subsequently attends an Orientation meeting provided the date of agreement fails on or before the last day of the fiscal month of the discontinuance. Clients who sign an agreement and who subsequently attend the Orientation meeting shall receive a full assessment (as explained in Section 114.126) as part of the Orientation session.

4) The Department shall attempt to schedule the Orientation meeting on the day that the mandatory registrant agrees to attend such Orientation or as soon thereafter as possible.

(Source: Emergency repealer at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days)

Section 114.126 Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)

## EMERGENCY

a) Full Assessment and Employment Plan.

1) All mandatory registrants shall undergo a full assessment to develop an employment plan.

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## Section 114.126(a) (continued)

2) The full assessment shall include collection of information on the individual's background, education level, work history as well as factors affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, family problems). In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. As part of the assessment process, mandatory registrants and Department staff shall work together to establish the employment plan and to identify any supportive service needs required to enable mandatory registrants to participate in employment and training and meet the objectives of their employment plan (see Section 114.130).

3) The employment plan shall contain at least the following:

- A) the employment-related objective;
- B) the Project Change component placement;
- C) the supportive services that must be provided or arranged; and

D) a statement that the supportive services have been provided by the Department or otherwise arranged, including an explanation of specific arrangements and services provided.

b) The full assessment shall take place at least at the following times:

- 1) at the end of the initial sixty (60)-day Job Search period, if the mandatory registrant who has been assigned to job search has not obtained employment (see Section 114.127);
- 2) during the initial Job Search period if the mandatory registrant has supportive service needs or is not adequately participating in Job Search (i.e., by not attending group meetings or making the required number of job contacts);
- 3) prior to deferring participation in the Job Search component for mandatory registrants who wish to obtain a GED or high school diploma or who are involved in an education or training program at the time they begin participating in Project Change. In these cases, the decision to defer would be based upon the results of a full assessment;
- 4) at any time to determine their suitability for Special Projects.



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## Section 114.125(b)(4) (continued)

- or any other component (see Section 114.127):
- 5) mandatory registrants currently in Project Change who have not received a full assessment will receive a full assessment prior to assignment to another component--in addition, for these individuals, a full assessment will be attempted if the individual is not cooperating with the requirements of the program (see Sections 114.124 and 114.127);
  - 6) upon completion of a component activity, mandatory registrants will be reassessed, including a review of the employment plan and making appropriate adjustments; or
  - 7) upon the request of the client.
- e) The mandatory registrant will be notified in writing of the full assessment meeting--the notice shall include the following information:
- 1) the date and time of the interview;
  - 2) a description of the purpose of the interview;
  - 3) the consequences of failing to attend;
  - 4) the right to reschedule for good cause (see Section 114.129);
  - 5) the address, telephone number and printed name of the person to contact for such purposes.

d) During the full assessment meeting, the Project Change worker and the mandatory registrant will assess the employability of the mandatory registrant and develop an employment plan based on the mandatory registrant's education, training, employment history and interests. Supportive service needs and temporary barriers (e.g., family problems) to Project Change participation will be identified--Based on the full assessment and the eligibility criteria for each Project Change component, mandatory registrants will be assigned to a component and receive component specific participation requirements (see Section 114.127).

- 1) If the mandatory registrant fails to appear for an assessment interview or to comply with the assessment process without good cause (see Section 114.129), General Assistance shall be discontinued for the assistance unit.

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## Section 114.125(d) (continued)

- 2) If the mandatory registrant has good cause for failing to appear for an assessment interview or to comply with the assessment process (see Section 114.129), General Assistance shall be reinstated (if cancelled) and the mandatory registrant shall be reimbursed for any General Assistance lost.
- 3) General Assistance which has been discontinued because of failure to participate/cooperate in the assessment process shall be reinstated if the mandatory registrant agrees to undergo a full assessment and the assessment subsequently takes place. The reinstatement shall be effective the date of the discontinuance provided the date of agreement falls on or before the last day of the fiscal month for which the discontinuance would be effective--if the date of agreement falls after the last day of the fiscal month for which the discontinuation would be effective, reinstatement shall be effective upon cooperation.
- 4) The Department shall attempt to schedule the assessment interview on the same day that the registrant agrees to cooperate in the full assessment or as soon thereafter as possible.
- 5) No mandatory registrant shall be sanctioned (see Section 114.128) for noncooperation with Project Change prior to completion of the full assessment process--Also, no mandatory registrant shall be sanctioned for noncooperation with Project Change when the alleged noncooperation is based in whole or in part on any act or omission of the mandatory registrant which occurs prior to the completion of the full assessment process.
- e) The mandatory registrant shall be notified in writing of the discontinuance of General Assistance due to failure to comply with this Section or Section 114.124(e)--The notice shall state, with specificity, the action being taken and the reasons for the action, the acts constituting the noncompliance and the date of such act. The notice shall also state the right to be restored to General Assistance without loss of benefits upon the conditions stated in this Section and Section 114.124(e).
- f) Project Change participation shall not be required in the event that supportive services or other resources identified in the employment plan are needed for effective participation but are unavailable from the Department or from some reasonably available source.

(Source: Emergency repealer at 16 Ill. Reg. 16276 effective October 1, 1992, for a maximum of 150 days)



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Section 114.127 Employment and Training Program Components (Repealed)  
EMERGENCY

## a) Job Search

1) All mandatory registrants must participate in the Job Search (JS) component of Project Chance unless they are approved to participate in another Project Chance component based on the eligibility criteria of that component. During the JS component, mandatory registrants must attend all scheduled meetings including pre-arranged Job Skills Workshops conducted by other than Project Chance staff. The mandatory registrant will be notified in writing of all scheduled meetings. The failure of a mandatory registrant to appear for scheduled meetings without good cause will constitute noncooperation.

2) Mandatory registrants may be required to participate in Job Search both before and after the assessment process. Registrants who fail to cooperate in Job Search without good cause prior to assessment shall be immediately scheduled for assessment. Registrants who fail to cooperate in Job Search without good cause after assessment shall be sanctioned as explained in Section 114.128.

3) The mandatory registrant is required to actively contact employers in his/her efforts to secure employment (i.e., mandatory registrants are required to make twenty (20) acceptable employer contacts every thirty (30) days). No client shall be sanctioned for failure to make the appropriate number of job contacts if the client has made a good faith effort to make the job contacts (see Section 114.124(e)).

4) At the end of the Job Search period, those mandatory registrants who have not found a job, but have demonstrated employability will continue in Job Search. Employability is demonstrated by the mandatory registrant's education, training, employment history, market factors, personal situations and experience in the Job Search component. After a client has been placed in Job Search two consecutive times, the client will be placed in a different component before being placed in Job Search again.

## b) Pre Employment

Mandatory registrants who are determined not employable or employed and in need of further training are referred to the Pre Employment component. In the Pre Employment component, Project Chance staff provide information, referral, counseling services and supportive

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## NOTICE OF EMERGENCY AMENDMENTS

## Section 114.127(b) (continued)

services to registrants to increase their employment potential and to remove significant barriers to employment. Mandatory registrants may be referred to testing, counseling and education resources, rehabilitation therapy, and agencies of programs which sponsor such activities (i.e., Job Training Partnership Act (JTPA) and Department of Rehabilitation Services (DORS)).

## 1) Eligibility Criteria

Approval of education and training plans is based upon the Department's assessment of the following factors:

A) The program selected will lead to making the mandatory registrant employable, taking into consideration the time required to complete the over-all cost and quality of the program (see Section 114.127(a)(4)).

B) The mandatory registrant has the aptitude, ability and interest necessary for success in the particular education or training program (as determined by such factors as test results, educational background and previous training).

C) The program must be administered by an educational institution accredited by the Illinois State Board of Education or the Department of Professional Regulation or is a Job Training Partnership Act (JTPA) or Special Projects funded program.

D) The mandatory registrant must apply for the Pell grant and scholarships from the Illinois State Scholarship Commission, as well as any scholarships or grants identified by the education or training facility for which the mandatory registrant may be eligible. Such funds shall be exempt from consideration as income to the extent they are used to pay educational expenses such as books, tuition and fees, provided the client is participating under an approved Project Chance education and training plan.

E) The mandatory registrant does not possess a high school diploma or a GED certificate or possesses one and is in need of further training (e.g., a Day Care Aide who must obtain further education to satisfy the requirements for that position).



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## Section 114.127(b)(1) (continued)

- F) The mandatory registrant is enrolled in post-secondary education or in a vocational training program for which jobs will be available upon completion of training (as determined by the Department of Employment Security's Job Service Division and/or other documented and reliable sources (e.g., Horizons, Department of Commerce and Community Affairs and/or the Placement Officer at an education institution or facility)).
- G) Enrollment cannot be in a baccalaureate or post-graduate degree program unless the mandatory registrant is in a Department of Rehabilitation Services sponsored program of this type.
- H) Mandatory registrants must participate in a full-time program unless:
- i) a full-time program is not available (e.g., a full-time GED program is not available); or
  - ii) a part-time program is the most appropriate (e.g., the mandatory registrant who only needs a four (4) hour course to complete).
- I) Employed registrants may participate in programs to upgrade their employability potential (e.g., a Nurse Aide who must obtain further training to satisfy the requirements for that position).
- 2) Entry into the Component
- The assignment into the Pre-Employment component results from the joint employment plan developed by the mandatory registrant and the Project Chance worker (see Section 114.126).
- 3) Participation Requirements
- A) The mandatory registrant must maintain a level of satisfactory progress as established and reported by the educational facility.
- B) Failure of the registrant to attend training or education classes three (3) times in a thirty (30) day period without good cause shall result in a sanction. Failure to participate without good cause in classes as defined by the

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## Section 114.127(b)(3)(B) (continued)

- education or training facility shall result in a sanction.
- G) Curriculum changes can be made only with the prior written approval of the Project Chance worker. Prior approval will be granted when the curriculum change is consistent with the written goals of the training program.
- D) The client must provide verification of attendance and progress (i.e., statements signed by the instructor, educational records and reports prepared at the end of the term). Additionally, if the Department is paying for transportation to enable the client to participate in the Pre-Employment activity, the client must provide monthly verification of his attendance.
- 4) Contact with Registrants
- The registrant contacts the Project Chance worker on a monthly basis if the supportive service payments identified in Section 114.130 are being issued. Registrants not requiring supportive service payments or receiving these payments from another source require a contact every six (6) months or at program completion, whichever comes first.
- 5) Availability of Slots
- If the Department determines the client should be in the Pre-Employment component but there are no appropriate slots available, the client will not be required to participate in any other Project Chance component while waiting for an appropriate slot to become available.
- e) Job Club
- Mandatory registrants who are determined employable but who are in need of highly intensified job search skills are referred to Job Club (i.e., Job Clubs conducted by JFPA and Adult Education Programs). Job Clubs are programs designed to facilitate job search activities. Job Club utilizes a highly intensive and positive group process approach to teach job finding techniques. Job search activities must be equivalent to those required in the JS component.
- 1) Eligibility Criteria
- The Job Club component is for mandatory registrants determined to be



Section 114.127(c)(1) (continued)

- A) Employable (see Section 114.127(a)(4)), with a marketable skill (i.e., a skill for which jobs are available as determined by such sources as the Department of Employment Security), and
- B) Able to benefit from a highly intensive and structured approach to job seeking (e.g., the mandatory registrant is in need of job-seeking skills), or
- C) Interested in the technique employed.

2) Entry into the Component

As Job Club slots become available, mandatory registrants are assigned to this component. Those mandatory registrants having the most recent employment taking into consideration such factors as the mandatory registrant's work history will be assigned first.

3) Participation Requirements

- A) Non-exempt mandatory registrants assigned to this component must cooperate as required by the Job Club to avoid sanction. Failure to attend one job search session without good cause, shall result in a sanction.

- B) Mandatory registrants must be in full-time attendance as defined by the Job Club.

4) Job Search Requirement

- A) As in JS, mandatory registrants are required to make twenty (20) acceptable employer contacts (see Section 114.124) in a thirty (30) day period, or make a greater number of employer contacts as required by the Job Club. Failure to make twenty acceptable employer contacts in a thirty (30) day period, or make employer contacts as required by the Job Club, without good cause, results in a sanction. However, no client shall be sanctioned for failure to make the appropriate number of job contacts if the client has made a good faith effort to make the job contacts (see Section 114.124(e)).

- B) Mandatory registrants are required to provide the documentation of acceptable employer contacts (see Section 114.124) required by the Job Club staff.

Section 114.127(c) (continued)

5) Contact with Registrants

- A) Registrants are to contact the Project Change worker on a monthly basis to verify full-time attendance and the need for supportive services (see Section 114.130). Contact need not be face-to-face. After such review, the Project Change worker may schedule a meeting with the registrant to determine the registrant's continued eligibility for this component. After such contact, if it is determined by the registrant and the Project Change worker that the registrant no longer satisfies the eligibility criteria specified in Section 114.127(e)(1), the mandatory registrant will be reassigned to another component of Project Change.

- B) Job Club staff shall advise the Project Change worker of a client's failure to participate as the situation arises.

a) Work Experience

Mandatory registrants who have not found employment and who need orientation to work, work experience, or training, in order to prevent deterioration of, or to enhance existing skills, may be referred to the Work Experience component. This is to provide the client with a meaningful work experience. The work experience shall not use Work Experience mandatory registrants to displace regular employees.

1) Eligibility Criteria

The work experience component is for mandatory registrants determined:

- A) to have no recent work history or employer references taking into consideration such factors as the mandatory registrant's educational background and previous training, or
- B) to need experience to prevent deterioration of, or to enhance existing skills (e.g., typing).

2) Entry into the Component

- A) Registrants who are determined eligible for the Work Experience component, based on an assessment of their



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## Section 114.127(d)(2)(A) (continued)

education, training and employment history, may be assigned to the Work Experience. Procedures used in the assessment are a face-to-face meeting with the mandatory registrant and a review of all available information on the mandatory registrant (including but not limited to the mandatory registrant's case record).

B) The Work Experience is subdivided into Work Experience classifications which include: Clerical-Aider, Dietary-Aid, Maintenance-Aid, and Program Aide. Mandatory registrants shall be placed in any of the classifications, considering to the extent possible, their prior training, proficiency, experience, skills, and vocational preference. Mandatory registrants will be selected from the appropriate subdivision taking into consideration such factors as the mandatory registrant's work history.

## 3) Participation Requirements

A) Work assignment consists of three (3) consecutive months. Registrants are required to work with community-based not-for-profit, private or government agencies and with public or private education and vocational training institutions. (The date the registrant is to appear at the work assignment begins the work assignment period.) The registrant is required to work not more than the number of hours that correspond with his/her level of General Assistance grant plus Food Stamp benefits, divided by the federal minimum wage. If the registrant is also a member of a Food Stamp household consisting of more than one person, Food Stamp benefits shall be prorated among all members of the household to determine the number of hours the registrant is required to complete in the work assignment. The minimum number of hours that must be completed within a 30-day period is seventeen and one-half (17 1/2) hours, and the maximum number of hours that must be completed within a 30-day period is seventy (70) hours. Clients who receive less than \$58 a month in General Assistance and Food Stamp benefits are not required to participate in this component.

B) During work assignment, registrants may be required to participate in education and training programs. Additionally, mandatory registrants are required to accept bona fide offers of employment pursuant to Section 114.124.

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## Section 114.127(d)(3) (continued)

C) Registrants are also required to report as scheduled and on time to their work assignment sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment sponsor.

D) Failure to report to the job assignment initially, without good cause, failure to attend the work assignment one day in a thirty-day period, without good cause shall result in a sanction.

## 4) Job Search

During work assignment, registrants who are not in approved education and training programs are required to make eight (8) acceptable employer contacts in a thirty (30) day period. Failure to make the required employer contacts without good cause, shall result in a sanction. However, no client shall be sanctioned for failure to make the appropriate number of job contacts if the client has made a good faith effort to make the job contacts (see Section 114.124(e)).

## 5) Reassignment

At the end of the three (3) month period, the registrant's employability will be evaluated using the procedures and criteria described in Section 114.126. If continuing the work assignment will benefit the registrant in terms of furthering work skills (see Section 114.124(e)(1)(A) and (B)), the registrant shall be reassigned to the work assignment. Otherwise, the registrant will be assessed for assignment to another Project Change component. A registrant may only be assigned to two (2) consecutive Work Experience components. If a client has been in Work Experience two (2) consecutive times, the client will be placed in a different component before being placed in Work Experience again.

## 6) Displacement

A) The work assignment sponsor shall not use mandatory registrants to displace persons.

i) who are already employed as regular full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are on-



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## Section 114.127(d)(6)(A)(i) (continued)

leave status due to disability, personal reasons, or any other reason;

- iii) who are or have been involved in a labor dispute between a labor organization and the Sponsor; or
- iii) who have been temporarily laid off by the Sponsor.

B) Mandatory registrants or their representatives may file a grievance with the Department if they believe their work assignments are causing displacement, in order for the Department to consider a grievance, it must be in writing and contain the following information:

- i) the name and address of the mandatory registrant, i.e., the grievant;
- ii) the mandatory registrant's public aid case number;
- iii) the mandatory registrant's social security number;
- iv) Work Assignment (work site) and
- v) a statement as to why the mandatory registrant believes he/she is causing displacement.

C) Within ten (10) days of receipt of a written grievance, the Department will arrange an in-person conference with:

- i) the mandatory registrant;
- ii) the mandatory registrant's representative, if any;
- iii) the work assignment Sponsor;
- iv) the work assignment Sponsor's representative, if any; and
- v) the Department's representative.

D) At the in-person conference, the Department will solicit and receive from the mandatory registrant and the work assignment Sponsor any documents and statements relevant to the matters alleged in the grievance. The work assignment Sponsor shall provide whatever documents or other

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## Section 114.127(d)(6)(D) (continued)

information requested by the mandatory registration and/or the Department.

E) Within fifteen (15) days of the in-person conference, the Department will advise the mandatory registrant and the work assignment Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.

F) If the Department concludes that displacement occurred, the Department will terminate the mandatory registrant's assignment to that work assignment Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the work assignment Sponsor has caused displacement by use of Project Chance participants in addition to the mandatory registrant, then the Department may terminate those Project Chance participants' assignment to that work assignment Sponsor.

G) All mandatory registrants are assured that no retaliation will be taken against them by the Department, its employees, or the work assignment Sponsor for filing a grievance or otherwise proceeding under this policy.

## e) Special Projects

Mandatory registrants who will benefit from short-term training and job placement assistance are referred to the Special Projects component. The Special Projects component offers special time-limited services for specific target populations. (The location of Special Projects vary depending on area needs and project availability.)

## 1) Eligibility Criteria

The Special Projects component is for mandatory registrants determined to:

- A) be able to benefit from short-term vocational training (e.g., an individual who has the interest and ability to complete the training program and be hired in a position for which he has been trained);
- B) be readily employable with the addition of short-term training (e.g., training for a specific job for which there-



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Section 114.127(e)(1)(B) (continued)

are jobs available) and

C) meet specific project entry criteria.

2) Entry into the Component

Assignment of mandatory registrants to Special Projects will be made subsequent to participation in the full assessment.

3) Participation Requirements

A) The mandatory registrant must maintain a level of satisfactory attendance and progress as established and reported by Special Projects staff. Failure to attend training without good cause, as specified for the Special Projects, shall result in a sanction.

B) The client must provide verification of attendance and progress (i.e., statements signed by the instructor, records and reports prepared at the end of the term). Additionally, if the Department is paying for transportation to enable the client to participate in the Special Projects, the client must provide monthly verification of his attendance.

4) Contact with Registrant

The Project Change worker contacts mandatory registrants on a monthly basis if the supportive service payments identified in Section 114.130 are issued. Mandatory registrants not requiring supportive service payments or receiving these payments from another source require a contact every six (6) months or at program completion whichever comes first. Mandatory registrant contact consists of attendance reports, progress reports, group or individual sessions, on-site program visits and written correspondence.

f) A Project Change mandatory registrant, once assigned to a component, shall not be sanctioned for noncooperation with Project Change where the alleged noncooperation is based in whole or in part on participation requirements not listed in these rules.

(Source: Emergency repealer at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days)

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Section 114.128 Employment and Training Sanctions (Repealed)  
EMERGENCY

a) Clients who fail to cooperate with Project Change shall be subject to sanctions.

1) Persons who fail to cooperate with the requirements of employment and training after having received a Project Change assessment shall be ineligible for General Assistance for three (3) months for the first instance of non-cooperation and for six (6) months for each subsequent instance of non-cooperation.

2) The sanction shall be applied to months for which the client otherwise is eligible to receive assistance. If the client's eligibility period expires before the full sanction is applied pursuant to Section 114.1(b), or the client otherwise becomes ineligible for assistance, the remaining months of the sanction will be applied beginning with the first month the client applies for and is determined otherwise eligible to receive assistance, unless the client has not received assistance for at least 12 months from the end of the last eligibility period, in which case the remaining months of the sanction shall be considered applied.

b) Sanctions shall be imposed against these mandatory registrants who have received a full assessment and who refuse or fail to participate without good cause in Project Change (see Section 114.129 for good cause).

1) Sanctioning will result from one (1) instance of any of the following:

A) refusal/failure to respond to a job referral

B) refusal/failure to accept a bona fide offer of suitable employment (see Section 114.124)

C) discontinuing suitable employment (including quitting a job after placement and before cancellation) without good cause (see Section 114.120)

D) reducing suitable employment (i.e., hours of employment) without good cause (see Section 114.120) or

E) use of a supportive service payment (see Section 114.130) for something other than the supportive service for which



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## Section 114.128(b)(1)(E) (continued)

it was provided.

- 2) A sanction will be imposed when a mandatory registrant fails to comply, without good cause, with the following Project Change requirements on one (1) occasion, unless otherwise indicated:

A) A mandatory registrant fails, without good cause, or refuses to respond to a written notice for an appointment, if the mandatory registrant arrives anytime within thirty (30) minutes of the start of the scheduled meeting, the mandatory registrant will be considered present. If the mandatory registrant has good cause (see Section 114.120) for being more than thirty (30) minutes later, the tardiness will be excused. The Project Change worker will include the mandatory registrant in a scheduled group or other meeting or re-schedule the mandatory registrant for another meeting.

B) A mandatory registrant refuses to accept child care, transportation, family counseling or other social service or employment and training services such as testing or employment counseling without good cause, thereby precluding or interrupting participation or progress in the employment plan.

C) Registrants who fail to cooperate in job search one (1) time without good cause after assessment, shall be sanctioned. Each missed session is considered an instance of non-cooperation. Failure of a mandatory registrant to make the required twenty (20) employer contacts in a thirty (30) day period shall result in a sanction (see Sections 114.124(e)), and 114.129).

D) A registrant in the Work Experience component must report to the work assignment every day scheduled. Failure to attend the work assignment one (1) day in a thirty (30) day period, or failure to report to the job assignment initially shall result in a sanction. Each missed assignment is considered an instance of non-cooperation during a thirty (30) day period. Failure of a registrant to make the eight (8) required job contacts in a thirty (30) day period without good cause, shall result in a sanction (see Sections 114.124(e)) and 114.129).

E) After a mandatory registrant agrees to participate in a

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## Section 114.128(b)(2)(E) (continued)

Pre-Employment activity, he/she must maintain a satisfactory level of attendance as established by the educational facility. However, failure to attend training or education classes three (3) times in a thirty (30) day period without good cause, shall result in a sanction (see Section 114.129).

F) The mandatory registrant must attend all Job Club meetings scheduled. Failure to attend one (1) job search session without good cause shall result in a sanction. Failure of a mandatory registrant to make the twenty (20) required employer contacts in a thirty (30) day period, or failure to make employer contacts as required by the Job Club, shall result in a sanction (see Sections 114.124(e)) and 114.129).

G) Failure of a mandatory participant to attend training as specified for the Special Projects, shall result in a sanction.

3) A Project Change sanction shall be imposed only on mandatory registrants who have received a full assessment (see Section 114.126 for assessment criteria).

4) A Project Change sanction will be rescinded at any level of the sanction process up through and until the final agency decision, including any appeal hearing, even if not previously mentioned, if the mandatory registrant establishes good cause (see Section 114.129 for good cause criteria).

5) The notice of change form issued for a Project Change sanction shall include the following:

A) a description of the acts of noncooperation with Project Change, including dates where applicable; and

B) a statement that the mandatory registrant's acts were without good cause (see 114.129 for good cause criteria) and if the client provided a good cause reason why the reason was rejected.

(Source: Emergency repealer at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days)



Section 114.129 Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)

- a) If a client has good cause for not complying with Work and Training participation requirements, General Assistance shall not be discontinued or the General Assistance unit shall not be sanctioned. Examples of good cause include but are not limited to:
  - 1) illness or incapacity;
  - 2) court required appearance or temporary incarceration;
  - 3) family crisis;
  - 4) death in the family;
  - 5) sudden and unexpected emergency;
  - 6) breakdown in transportation arrangements or lack of reasonably available transportation;
  - 7) inclement weather;
  - 8) the job referral does not meet appropriate work or training criteria (see Section 114.126);
  - 9) lack of any supportive service or other resource as determined by the employment plan, (see Section 114.130), even though the necessary service is not specifically provided under Project Chance to the extent the lack of the needed service presents a significant barrier to participation;
  - 10) if an individual is engaged in employment and/or training that is consistent with the employment related goals of the program, if such employment and training is later approved by Project Chance staff (e.g., a mandatory registrant is unable to attend an orientation meeting because he/she is already attending CEP classes);
  - 11) failure to cooperate due to symptoms of conditions for which the client has been referred to the WKS program;
  - 12) failure of Department staff to correctly forward the information to Project Chance staff;
  - 13) failure of the client to cooperate because of attendance at a

Section 114.129(a)(13) (continued)

- test or a mandatory class or function at an educational program (including college), whether or not such program is officially approved by Project Chance. When Project Chance workers know in advance of such tests and mandatory classes or functions, they shall schedule Project Chance activities around them if possible;
- 14) failure of the client due to the client's illiteracy;
- 15) failure of the client because it is determined that the client should be in a different Project Chance component, in a WKS component or in SSI Advocacy; or
- 16) non receipt by the client of a notice advising the client of a participation requirement, if documented by the client. Documentation can include, but is not limited to: a written statement from the post office or other informed individual, the notice not sent to the client's last known address in Department records, return of the notice by the post office, other returned mail, proof of previous mail theft problems. When determining whether or not the client has demonstrated non receipt, the Department shall take into consideration a client's history of cooperation or non cooperation in the past. If the documented non receipt of mail occurs frequently, the Department shall explore an alternative means of providing notices of participation requests to clients.
- b) The Department will not require a client to document good cause for noncooperation unless:
  - 1) the client has failed to comply with work, training, rehabilitation, or advocacy requirements on at least one other occasion within a sixty (60) day period; or
  - 2) evidence independent of the explanation of good cause casts doubt on the mandatory client's explanation.
- e) No client shall be denied good cause solely on the basis that he or she failed to notify the Department of the good cause in advance of a participation requirement.

(Source: Emergency repealer at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days)



Section 114.130 Employment and Training Supportive Services (Repealed)  
EMERGENCY

- a) General Assistance-mandatory-registrants-involved-in-Project-Chance-are-eligible-to-receive-supportive-service-payments-in-advance-except-at-Orientation,-to-enable-them-to-participate-in-the-program.
- b) During-the-full-assessment,-the-supportive-services-needed-by-the-mandatory-registrant-which-must-be-discussed-and-provided-or-arranged-as-needed-include-at-least-the-following:
- 1) transportation;
  - 2) employment-related-medical-services-(e.g.,-TB-test);
  - 3) vocational-rehabilitation;
  - 4) initial-employment-expenses;
  - 5) required-books,-fees,-supplies;
  - 6) pre-employment-and-pre-training-physicians;-and
  - 7) emergency-intervention-services-if-eligible-for-the-Crisis Assistance-Program-(89-III-Adm.-Code-116).
- e) Regarding-emergency-intervention-services,-Project-Chance-staff-will refer-the-mandatory-registrant-to-the-appropriate-Local-Office-for application-under-the-Crisis-Assistance-Program-(see-89-III-Adm.-Code-116).
- d) At-assessment-of-a-mandatory-registrant's-component-participation,-the-need-for-supportive-services-will-be-discussed.
- e) Project-Chance-participation-will-not-be-required-if-supportive services-are-needed-for-effective-participation-but-unavailable-from the-Department-or-some-other-reasonably-available-source.
- f) Eligible-Services
- 1) Transportation
  - A) If-required-and-necessary-(e.g.,-a-client-who-does-not-have an-automobile),-expenses-for-transportation-will-be provided-to-enable-registrants-to-attend-Orientation meetings.

## Section 114.130(f)(1) (continued)

- B) Transportation-expenses-are-to-be-paid-to-permit participation-in-the-Work-Experience,-Job-Club,-Pre-Employment-and-Special-Projects-components.
- C) Transportation-payments-are-made-at-the-most-reasonable-and-economical-rate,-whichever-is-less---if-the-mandatory registrant's-own-automobile-is-used,-the-established-rate per-mile-(e.g.,-21¢-per-mile)-will-be-approved,-which includes-all-vehicle-related-expenses.
- D) Transportation-expenses-are-to-be-paid-to-go-to-and-from work-until-receipt-of-first-full-paycheck.
- 3) Job-Search-Expenses
- A) Registrants-participating-in-Job-Search-and-Job-Club-will receive-an-amount-not-to-exceed-\$20.00-a-month-to-assist-in the-payment-of-job-search-related-expenses.
- B) An-allowance-of-\$5.00-a-month-will-be-paid-to-registrants participating-in-Work-Experience-to-assist-in-the-payment of-job-search-related-expenses.
- 3) Mandatory-Fees
- Mandatory-fees,-including-application,-registration,-activities,-laboratory,-graduation-and-testing-fees-including-the-fee,-for the-GED-test,-are-provided-to-mandatory-registrants-enrolled-in approved-education-or-training-programs-(see-Section-114.127).
- A-maximum-payment-of-\$300.00-per-twelve-(12)-month-period-can-be provided---No-payments-are-allowed-for-tuition.
- 4) Books-and-Supplies
- Payment-is-allowed-for-books,-supplies-and-equipment-purchased in-accordance-with-the-facility's-published-list-of-required items-for-the-particular-program-in-which-a-mandatory-registrant is-enrolled---A-maximum-payment-of-\$300.00-per-twelve-(12)-month period-can-be-provided.
- 5) Pre-Training-and-Pre-Employment-Physical-Examinations
- Payment-is-permitted-for-mandatory-registrants-to-obtain pre-training-or-pre-employment-physical-examinations-if-the costs-are-not-otherwise-provided-by-sources-such-as-the-employer-



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 114.130(f)(5) (continued)

or the training program.

## 6) Initial Employment Expense

A) Payment may be provided for employment expenses incurred and requested prior to receipt of the first paycheck.

## B) These expenses include:

- i) special clothing (maximum \$200);
- ii) required tools which are not provided by the employer (maximum \$200);
- iii) repairs on an automobile (maximum \$300);
- iv) auto license plate fees;
- v) auto insurance at the cheapest rate;
- vi) transportation expenses at the most reasonable and economical rate, whichever is less. If the mandatory registrant's own car is used, a gas allowance of \$4.15 daily or a rate of 21¢ a mile, whichever is less, shall be authorized.

## vii) child care;

viii) physical examination prior to employment if not provided by the employer; and

ix) other required items related to a specific job (maximum \$200)

x) item(s) or service(s) purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum \$300.00). Item(s) and service(s) may include but are not limited to the purchase of fire extinguishers, smoke alarms, first aid kits and installation of a telephone.

6) Initial employment expenses will not be authorized to purchase fire arms, pay local bonds or traffic tickets, or pay relocation expenses so an individual can accept

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 114.130(f)(6)(C) (continued)

employment elsewhere.

D) Also not permitted as an initial employment expense are expenses required for the self-employment of the individual except when expenses will assist the individual in becoming an Illinois Department of Children and Family Services licensed child care provider.

g) These allowances are exempt from consideration in determining the General Assistance grant amount.

(Source: Emergency repealer at 16 Ill. Reg. 6276, effective October 1, 1992, for a maximum of 150 days)

Section 114.135 Conciliation and Fair Hearings (Repealed)  
EMERGENCY

a) The Department shall establish a conciliation procedure to be used upon determining that a participant has refused or failed to comply with a Project Change requirement after assessment. The conciliation process will be used to determine the reason(s) the participant did not comply with the Project Change program requirement and provide the participant with an opportunity to comply prior to the imposition of sanction.

b) The conciliation period shall begin the day following the date of Project Change discovery of the participant's refusal or failure to comply with program requirements and shall continue for a period not to exceed thirty (30) calendar days. Within this conciliation period the participant shall receive notice in writing of a meeting to ascertain the reason(s) for the refusal or failure and to determine whether good cause exists. If it is determined that good cause does not exist, Project Change shall inform the participant of the pertinent Project Change requirements and the consequences of failing to comply. The participant shall be informed of the actions necessary for compliance and the date by which compliance must be achieved to avoid the initiation of sanction procedures. The compliance date may not exceed the end of the conciliation period. To avoid sanction the participant must perform a verifiable act of compliance within the thirty (30) day conciliation period. Verbal commitment by the participant is not sufficient, unless the participant is prevented from complying by circumstances beyond the participant's control, such as unavailability of a suitable component. If it is apparent that the individual will not comply,



## DEPARTMENT OF PUBLIC AID

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## Section 114.135(b) (continued)

for example, the individual refuses to comply and does not have good cause, Project Change may end the conciliation period early and proceed with sanction procedures. The participant's refusal to comply shall be documented in the case record.

e) If the participant does not comply during the conciliation period Project Change shall initiate sanction action no later than the last day of the conciliation period. Sanction action may be cancelled if Project Change is able to verify that compliance was achieved by the end of the conciliation period.

d) Participants will be provided written notice of sanction, including the particular act of refusal or failure to comply, the proposed period of sanction and shall specify when the participant may reapply. Information shall also be included on or with the notice of adverse action describing the action which can be taken to end or avoid the sanction and procedures. The participant has the right to request an appeal hearing through the Department's fair hearing process. A participant shall be allowed to examine the Project Change case record at a reasonable time before the date of the appeal hearing except for confidential information that Project Change determines should be protected from release. Confidential information not released to a participant may not be used by either party at the hearing.

(Source: Emergency repealer at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days)

## ILLINOIS RACING BOARD

## NOTICE OF EMERGENCY RULES

1) Heading of the Part: Dates Hearing Procedures

2) Code Citation: 11 Ill. Adm. Code 205

3) Section Numbers: 205.10 Emergency Action: New Section  
 205.20 New Section  
 205.30 New Section  
 205.40 New Section  
 205.50 New Section  
 205.60 New Section  
 205.70 New Section  
 205.80 New Section  
 205.90 New Section  
 205.100 New Section  
 205.110 New Section

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 8, par. 37-9(b).

5) Effective date of amendments: October 6, 1992

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire. Emergency amendment will not expire before the 150-day period.

7) Date filed in agency's principal office: October 5, 1992

8) Reason for the emergency: On September 24, 1992, the Supreme Court of Illinois ruled that the Illinois Racing Board must conduct its annual dates hearing pursuant to the Administrative Procedures Act (APA) (Ill. Rev. Stat. 1991, ch. 127, par. 1001 et seq.). The Illinois Horse Racing Act requires racing dates to be awarded during the third week of September each calendar year. The Racing Board held its 1993 Dates Hearing on September 22, 1992, and awarded racing dates to seven (7) race tracks. A meeting was held on Thursday, October 1, 1992, to determine whether all race track operators, awarded racing dates for 1993, would waive their rights under the APA. All racetrack operators did waive their rights, but there was a request by Balmoral Park Race Track for supplemental dates. The hearing for supplemental dates must be conducted pursuant to the APA.

9) A complete description of the subjects and issues involved: This emergency rulemaking establishes procedures to be followed for the annual dates hearing pursuant to the Supreme Court Order and in accordance with the Administrative Procedures Act.

10) Are there any other proposed amendments pending in this Part? No.

11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.



## ILLINOIS RACING BOARD

## NOTICE OF EMERGENCY RULES

12) Information and questions regarding this emergency shall be directed to:

Illinois Racing Board, Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, Illinois 60601

The full text of the emergency amendments begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF EMERGENCY RULES

TITLE 11: ALCOHOL, HORSE RACING AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER a: GENERAL RULES

PART 205  
DATES HEARING PROCEEDINGS

|           |                                |
|-----------|--------------------------------|
| Section   | Procedures before the Board    |
| 205.10    | EMERGENCY                      |
| 205.20    | Applicability                  |
| EMERGENCY |                                |
| 205.30    | Standard of Proof              |
| EMERGENCY |                                |
| 205.40    | Record in Dates Hearing        |
| EMERGENCY |                                |
| 205.50    | Ex Parte Communication         |
| EMERGENCY |                                |
| 205.60    | Rules of Evidence              |
| EMERGENCY |                                |
| 205.70    | Appointment of Hearing Officer |
| EMERGENCY |                                |
| 205.80    | Authority of Hearing Officer   |
| EMERGENCY |                                |
| 205.90    | Proposal for Decision          |
| EMERGENCY |                                |
| 205.100   | Decisions and Orders           |
| EMERGENCY |                                |
| 205.110   | Waiver                         |
| EMERGENCY |                                |

AUTHORITY: Implementing and authorized by the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat., 1991, ch. 8, par. 37-9) and the Illinois Administrative Procedures Act (Ill. Rev. Stat., 1991, ch. 127, par. 1001 et seq.).

SOURCE: Emergency adoption at 16 Ill. Reg. 16318, effective October 6, 1992, for a maximum of 150 days.



## ILLINOIS RACING BOARD

## NOTICE OF EMERGENCY RULES

Section 205.10 Procedures before the Board  
EMERGENCY

The provisions of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001 et seq.) shall be applicable in all dates proceedings before this Board.

(Source: Emergency added at 16 Ill. Reg. 16318, effective October 6, 1992, for a maximum of 150 days)

Section 205.20 Applicability  
EMERGENCY

This Part shall apply to all dates hearings and proceedings conducted under the jurisdiction of the Board.

(Source: Emergency added at 16 Ill. Reg. 16318, effective October 6, 1992, for a maximum of 150 days)

Section 205.30 Standard of Proof  
EMERGENCY

The standard of proof in any dates hearing conducted under this Part by the Board shall be the preponderance of the evidence.

(Source: Emergency added at 16 Ill. Reg. 16318, effective October 6, 1992, for a maximum of 150 days)

Section 205.40 Record in Dates Hearings  
EMERGENCY

a) The record in dates hearings shall include the following:

- 1) all dates applications and attached exhibits;
- 2) all evidence received;
- 3) any offers of proof, objections and rulings thereon;
- 4) any proposed findings and exceptions;
- 5) any decision, opinion or report by the hearing officer;
- 6) all staff memoranda or data submitted to the hearing officer or members of the Board in connection with their consideration of the case that are consistent with Section 205.50;

## ILLINOIS RACING BOARD

## NOTICE OF EMERGENCY RULES

7) any communication prohibited by Section 205.50 shall not form the basis for any finding of fact;

8) oral proceedings or any part thereof shall be recorded stenographically or by other means that will adequately insure the preservation of the testimony or oral proceedings and shall be transcribed at the request of any party at his or her expense.

b) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(Source: Emergency added at 16 Ill. Reg. 16318, effective October 6, 1992, for a maximum of 150 days)

Section 205.50 Ex Parte Communication  
EMERGENCY

Except in the disposition of matters which they are authorized by law to entertain or dispose of on an ex parte basis, neither Board members, employees, nor hearing officers shall, after notice of hearing in dates hearings, communicate, directly or indirectly, in connection with any issues of fact or law, with any person or party or his representative, except upon notice and opportunity for all parties to be present. However, a Board member may communicate with other members of the Board, and a Board member or hearing officer may have the aid and advice of the staff.

(Source: Emergency added at 16 Ill. Reg. 16318, effective October 6, 1992, for a maximum of 150 days)

Section 205.60 Rules of Evidence  
EMERGENCY

a) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

b) The rules of evidence and privilege applied in civil cases in the circuit courts of the state of Illinois shall be followed. However, evidence not admissible under such rules may be admitted if it is of a type commonly relied on by reasonably prudent persons in the conduct of their affairs. Evidence shall be received orally or in writing.

c) A party may conduct cross-examination, subject to the evidentiary requirements of subsections (a) and (b) of this section, when it is required for a full and fair disclosure of the facts.



- d) Official notice may be taken of all facts of which judicial notice may be taken and of other facts, of a technical nature, within the specialized knowledge and experience of the Board.
- e) All testimony to be considered by the Board in dates hearings, except matters officially noticed or entered by stipulation, shall be sworn or affirmed testimony.

(Source: Emergency added at 16 Ill. Reg. 16318, effective October 6, 1992, for a maximum of 150 days)

Section 205.70 Appointment of Hearing Officer  
EMERGENCY

The Chairman of the Board shall designate a hearing officer to preside at any hearing conducted pursuant to this Part.

(Source: Emergency added at 16 Ill. Reg. 16318, effective October 6, 1992, for a maximum of 150 days)

Section 205.80 Authority of Hearing Officer  
EMERGENCY

- a) The hearing officer has the authority to conduct a hearing, take all necessary action to avoid delay, maintain order, and ensure the development of a clear and complete record.
- b) The hearing officer shall have all powers necessary to conduct a hearing including the power to:

- 1) administer oaths and affirmations;
- 2) regulate the course of the hearing, set the time and the place for continued hearings, fix times for filing documents, provide for the taking of testimony, and generally conduct proceedings according to this Part;
- 3) examine witnesses and direct witnesses to testify;
- 4) limit the number of times any witness may testify, limit repetitious or cumulative testimony and set reasonable limits on the amount of time each witness may be cross-examined;

- 5) receive relevant evidence;
- 6) dispose of procedural requests or similar matters.

(Source: Emergency added at 16 Ill. Reg. 16318, effective October 6, 1992, for a maximum of 150 days)

Section 205.90 Proposal for Decision  
EMERGENCY

When, in a dates hearing, a majority of the Board members who are to render the final decision have not heard the evidence or read the record, the decision, if adverse to a party to the proceeding, shall not be made until a proposal for decision is served upon the parties and an opportunity is afforded each adversely affected party to file exceptions and to present a brief, and if the Board so decides, oral argument to the Board members who are to render the decision. The proposal for decision shall contain a statement of the reasons and of each issue of fact or law necessary to the proposed decision. The proposal for decision shall be prepared by the person(s) who conducted the hearing or one who has read the record.

(Source: Emergency added at 16 Ill. Reg. 13618, effective October, 6, 1992, for a maximum of 150 days)

Section 205.100 Decisions and Orders  
EMERGENCY

- a) A final decision shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law, or opinions separately stated when possible. Findings of fact shall be based exclusively on the evidence presented at the hearing or known to all parties, including matters officially noticed. Findings of fact, if set forth in statutory language, shall be accompanied by a statement of the underlying supporting facts. If a party submits proposed findings of fact which may control the decision or order, the decision or order shall include a ruling supported by authority or reasoned opinion. A decision or order shall not be made except upon consideration of the record as a whole or such portion thereof as may be supported by competent material and substantial evidence.
- b) Parties or their agents appointed to receive service of process shall be notified either personally or by registered or certified mail of any decision or order. Upon request a copy of the decision or order shall be mailed to each party and to his attorney or record.



ILLINOIS RACING BOARD

NOTICE OF EMERGENCY RULES

- c) All orders shall specify whether they are final and subject to the Administrative Review Act.
- d) A decision by the Board in dates hearings under this Part shall be void unless the proceedings are conducted in compliance with the provisions of the Illinois Administrative Procedure Act except to the extent those provisions are waived under Section 205.110 of this Part.

(Source: Emergency added at 16 Ill. Reg. 16318, effective October 6, 1992, for a maximum of 150 days)

Section 205.110 Waiver  
EMERGENCY

Compliance with any or all of the provisions of this Part may be waived by written stipulation of all parties.

(Source: Emergency added at 16 Ill. Reg. 16318, effective October 6, 1992, for a maximum of 150 days)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

- 1) The Heading of the Part: Minority Teachers of Illinois (MTI) Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2763
- 3) Section numbers: Emergency Action:  
2763.10 amendment  
2763.20 amendment  
2763.30 amendment  
2763.40 amendment  
2763.50 amendment

4) Statutory Authority: Implementing Section 50 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, par. 30-15.7f, as amended by Public Acts 87-997 and 87-1004, effective September 3, 1992) and authorized by Section 20 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, par. 30-15.4(f), as amended by P.A. 87-997, effective September 3, 1992).

5) Effective Date of Amendments: September 28, 1992

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire. These emergency amendments will not expire before the end of the 150-day period.

7) Date Filed in Agency's Principal Office: September 25, 1992

8) Reason for Emergency: On September 3, 1992, Governor Edgar signed two Public Acts, 87-997 and 87-1004, which affected the Minority Teachers of Illinois Scholarship Program.

ISAC is unable to enact amendments implementing Public Acts 87-997 and 87-1004, through the regular rulemaking process, in sufficient time to make them effective for the 1992-93 academic year. In the absence of emergency amendments, ISAC would have no method by which to award scholarships pursuant to the liberalized eligibility requirements, would have no means by which to clarify the appropriate amount of funds reserved for male MTL scholars, would not be able to allow recipients to fulfill their teaching obligations at preschools, would have no method for repayment if the scholarship recipients were unable to fulfill their teaching commitments, and would have no procedures to defer or forgive repayment if scholars are required to reimburse the state for the assistance received under this Part. Further, this would result in serious delays in the processing of scholarship applications, could result in a decrease in student enrollment, and general revenue funds appropriated for the 1992-93 academic year may be returned to the state unexpended, contrary to the intentions of the legislature. On the basis of the foregoing factors,



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY AMENDMENTS

ISAC finds that there is a threat to the public interest and welfare which constitutes an emergency within the meaning of Section 5.02 of the Illinois Administrative Procedures Act.

- 9) A. Complete Description of the Subjects and Issues Involved: These emergency amendments will affect the Minority Teachers of Illinois Scholarship Program, which encourages academically talented minority students to pursue careers as teachers in Illinois schools. The program is aimed at providing minority children with access to a greater number of minority role models. This rulemaking will implement recent legislative changes to this year-old program, will update application and institutional procedures for awarding scholarships, and will provide various mechanisms for the repayment or deferment of obligations incurred as a result of assistance received during the 1991-92 academic year, if MTI scholars are unable to fulfill their teaching commitments. ISAC will adopt amendments through the regular rulemaking process prior to the expiration of these emergency amendments.

- 10) Are there any proposed amendments to this Part pending? No

- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.

- 12) Information and questions regarding these emergency amendments shall be directed to:

Name: Mr. Larry E. Matejka  
Executive Director

Address: Illinois Student Assistance Commission  
106 Wilmet Road  
Deerfield, Illinois 60015

Telephone: (708) 948-8500

The full text of the emergency amendments begin on the next page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## Part 2763

## MINORITY TEACHERS OF ILLINOIS (MTI) SCHOLARSHIP AID PROGRAM

|           |                              |
|-----------|------------------------------|
| Section   | Summary and Purpose          |
| 2763.10   |                              |
| EMERGENCY |                              |
| 2763.20   | Definitions                  |
| EMERGENCY |                              |
| 2763.30   | Minority Scholar Eligibility |
| EMERGENCY |                              |
| 2763.40   | Application Procedures       |
| EMERGENCY |                              |
| 2763.50   | Institutional Procedures     |
| EMERGENCY |                              |

AUTHORITY: Implementing Section 50 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, par. 30-15.7f, as amended by Public Acts 87-997 and 87-1004, effective September 3, 1992) and authorized by Section 20 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, par. 30-15.4(f)).

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15621, effective October 11, 1991, for a maximum of 150 days; emergency expired on March 9, 1992; adopted at 16 Ill. Reg. 7048, effective April 21, 1992; emergency amendments adopted at 16 Ill. Reg. 16326, effective September 28, 1992, for a maximum of 150 days.

Section 2763.10 Summary and Purpose  
EMERGENCY

- a) The Minority Teachers of Illinois Scholarship Aid Program encourages academically talented minority students to pursue careers as teachers at Illinois elementary and secondary schools. The program also aims to provide minority children with access to a greater number of positive minority role models.
- b) This Part establishes the rules which govern the Minority Teachers of Illinois Scholarship Aid Program. Additional rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Emergency amendment at 16 Ill. Reg. 16326 effective September 28, 1992, for a maximum of 150 days)



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY AMENDMENTS

Section 2763.20 Definitions  
EMERGENCY

"Approved High School" - Defined at Section 30-15.2(c) of the Higher Education Student Assistance Law (Ill. Rev. Stat., 1989, ch. 122, par. 30-15.2(c)). means any public high school located in this State; and any high school, located in the State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgment of the Superintendent provides a course of instruction at the secondary level, and maintains standards of instruction, substantially equivalent to those of public high schools located in this State. (Section 10 of the Higher Education Student Assistance Act (Ill. Rev. Stat., 1991, ch. 122, par. 30-15.2, as amended by P.A. 87-997, effective September 3, 1992).)

"Cost of Attendance" - Defined at Section 472 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 108711 (1990)).

"Cumulative Grade Point Average" - The means the average grade earned throughout a student's educational program. The calculation shall be consistent with the Institution's established policy or practice and shall be the same as that which is used for admission, placement, or other similar purposes.

"Eligible Applicant" - An individual who is eligible to apply for scholarship assistance under this Part, as defined in Section 30-15.7f(a) of the Higher Education Student Assistance Law (Ill. Rev. Stat., 1990 Supp., ch. 122, par. 30-15.7f(a); as amended by P.A. 87-302, effective September 6, 1991; means a minority student who has graduated from high school and has maintained a cumulative grade point average at the postsecondary level of no less than 2.5 on a 4.0 scale, and who by reason thereof is entitled to apply for scholarships to be awarded under this Section. (Section 50(a) of the Higher Education Student Assistance Act.)

"Institution of Higher Learning" - Defined at Section 30-15.2(d) of the Higher Education Student Assistance Law (Ill. Rev. Stat., 1989, ch. 122, par. 30-15.2(d)); means an educational organization located in this State which (1) provides at least an organized 2 year program of collegiate grade in liberal arts or sciences, or both, directly applicable toward the attainment of a baccalaureate degree, or, beginning with academic year 1972, a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree, (2) either is (A) operated by this State, or (B) operated publicly or privately, not for profit, (3) in the judgment of the Commission meets the standards substantially equivalent to those of comparable

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institutions operated in this State, and (4) if so required by the Commission, uses the State as its primary guarantor of student loans made pursuant to the Higher Education Act of 1965. For otherwise eligible educational organizations which provide academic programs for incarcerated students, the terms "institution of higher learning," "qualified institutions," and "institution" shall specifically exclude academic programs for incarcerated students. (Section 10 of the Higher Education Student Assistance Act.)

"Minority Scholar" - means an AM individual who ISAC determined to be eligible to receive an MTI scholarship and who receives or has received scholarship assistance under this Part.

"Minority Student" - Defined at Section 30-15.7f(a) of the Higher Education Student Assistance Law (Ill. Rev. Stat., 1990 Supp., ch. 122, par. 30-15.7f(a); as amended by P.A. 87-302, effective September 6, 1991); means a student who is either (i) Black (a person having origins in any of the black racial groups in Africa); or (ii) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean islands, regardless of race). (Section 50(a) of the Higher Education Student Assistance Act.)

"Qualified Student" - An individual who, ISAC determines, to be eligible to receive scholarship assistance under this Part, as defined in Section 30-15.7f(a) of the Higher Education Student Assistance Law (Ill. Rev. Stat., 1990 Supp., ch. 122, par. 30-15.7f(a); as amended by P.A. 87-320, effective September 6, 1991); means a person (i) who is a resident of this State and a citizen or permanent resident of the United States; (ii) who is a minority student, as defined in this Section; (iii) who, as an eligible applicant, has made a timely application for a minority teaching scholarship under this Section; (iv) who is enrolled on a full time basis at the sophomore level or above at a qualified Illinois institution of higher learning as an undergraduate student and has not received a baccalaureate degree; (v) who is enrolled in a course of study leading to a teacher certification; (vi) who maintains a grade point average of no less than 2.5 on a 4.0 scale while enrolled at the postsecondary level; and (vii) who continues to advance satisfactorily toward the attainment of a degree. (Section 50(a) of the Higher Education Student Assistance Act.)

"Teacher Education Program" - means an undergraduate postsecondary course of study which, upon completion, qualifies a student to be certified as an elementary or secondary school teacher by the Illinois State Board of Education. For the purposes of a student who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study



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which leads to a Teacher Education Program.

(Source: Emergency amendment at 16 Ill. Reg. 16326 effective September 28, 1992, for a maximum of 150 days)

**Section 2763.30 Minority Scholar Eligibility**  
EMERGENCY

- a) ISAC shall accept applications to be a Minority Scholar in accordance with Section 2763.40 of this Part, Application Procedures.
- b) ISAC shall identify Qualified Students from among applications submitted on a timely basis. -A "Qualified Student" is an individual who satisfies the following eligibility criteria:
  - 1) ---- is a United States Citizen or an Eligible Non-citizen; and a Resident of Illinois; and
  - 2) ---- is a Minority Student as defined in Section 30-15.7f of the Higher Education Student Assistance Law (Ill. Rev. Stat., 1990 Supp., ch. 122, par. 30-15.7f(a); as amended by P.A. 87-302, effective September 6, 1991); or as provided in that Section; a Minority Student means a student who is either:--
    - A) ---- Black (a person having origins in any of the black racial groups in Africa); or
    - B) ---- Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race); and
  - 3) ---- has graduated in the top 20 percent of his or her high school class; and
  - 4) ---- is enrolled or accepted for enrollment as an undergraduate student at a qualified institution of Higher Learning; in an approved Teacher Education Program; and
  - 5) ---- is enrolled on a full-time basis at the sophomore level or above; as defined by his or her institution of Higher Learning; and
  - 6) ---- has a Cumulative Grade Point Average of no less than 2.5 on a 4.0 scale; or its equivalent; and
  - 7) ---- is in good standing with the Satisfactory Academic Progress Policy of the institution at which he or she is enrolled.

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- c) Applicants will be notified whether they are Qualified Students. A non-Qualified Student may appeal a finding of ineligibility in accordance with 23 Ill. Adm. Code 2700.70, Appeal Procedures.
- d) At least 30 percent of the funds appropriated for scholarships awarded under this Section in each fiscal year shall be awarded to reserved for male Qualified Students.
- e) A Minority Scholar may receive a scholarship renewal provided the Minority Scholar:
  - 1) continues to maintain a Grade Point Average of no less than 2.5 on a 4.0 scale, or its equivalent, at the postsecondary level; and
  - 2) continues to meet the requirements of subsections (b)(1)-(4); (5); and (7) of this Section; and maintains his or her status as a Qualified Student, as outlined in Section 2763.20 of this Part; and
  - 3) has not previously received a scholarship under this program at the same academic level for which the renewal scholarship is being requested continues to advance satisfactorily toward the attainment of a degree; and
  - 4) has submitted an application on a timely basis, in accordance with Section 2763.40(b) of this Part, Application Procedures.
- f) No Minority Scholar may receive more than 8 semesters/12 quarters of scholarship assistance under this program.
- g) The total number of scholarships awarded in a given fiscal year is contingent upon available funding. If appropriated funds are insufficient to provide all Qualified Students with a scholarship, available funds shall be allocated in accordance with subsection (d) above and on the basis of the dates that the completed applications are received in ISAC's Deerfield office.

(Source: Emergency amendment at 16 Ill. Reg. 16326, effective September 28, 1992, for a maximum of 150 days)

**Section 2763.40 Application Procedures**  
EMERGENCY

- a) Applications for the Minority Teachers of Illinois Scholarship Aid Program are available from qualified institutions of Higher Learning, state legislative and congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.



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- b) A completed application must be received in ISAC's Deerfield office on or before the final date of the period of enrollment for which the scholarship is being requested.
- c) If an application is incomplete, notification will be sent to the Eligible Applicant. The Eligible Applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing when it is complete.
- d) Eligibility notification shall be sent to each Qualified Student who is selected as a Minority Scholar.
- e) Eligible Applicants shall be required to furnish the postsecondary institution at which they are enrolled with a copy of their high school transcripts or any other documentation verifying class-rank upon high school graduation.
- f) During any academic year in which a Minority Scholar receives assistance under this Part, the Minority Scholar shall be required to sign an Application/Teaching Agreement/Promissory Note prior to receipt of any scholarship assistance. The terms of the Teaching Agreement/Promissory Note shall include the following:
- 1) a pledge on the part of the recipient to teach one year for each year of scholarship aid received, or for any portion of a year for which aid was received, under this Part;
  - 2) a stipulation that such teaching commitment will be fulfilled within the 10-year period following the termination of the undergraduate program for which the Minority Scholar received assistance under this Part;
  - 3) a stipulation that such teaching commitment will be fulfilled at ~~at~~ a nonprofit Illinois public, private, or parochial preschool, elementary school or secondary school at which no less than 30 percent of the enrolled students are Minority Students, as certified by the Illinois State Board of Education; and
  - 4) a further stipulation that, if the teaching commitment is not fulfilled, the scholarship converts to a loan and the Minority Scholar must repay the entire amount of the scholarship(s) plus interest at a rate determined by federal regulations.
- g) If a Minority Scholar fails to fulfill the teaching obligation set forth in subsection (f) above, the recipient shall be required to repay the amount of the scholarship(s) received, prorated according to the fraction of the teaching obligation not completed, plus

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- interest at a rate equal to that defined by federal regulations (see 34 CFR 653.42(c)(1)) and, if applicable, reasonable collection fees.
- h) A Minority Scholar shall not be in violation of the teaching agreement, set forth in subsection (f) above, if the recipient:
- 1) enrolls as a full-time graduate student in a course of study related to teaching at a qualified Institution of Higher Learning;
  - 2) serves, for not more than three years, as a member of the United States armed services;
  - 3) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a qualified physician;
  - 4) is seeking and unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (f)(3) of this Section, and is able to provide evidence of that fact; or
- i) A Minority Scholar shall not be required to repay the amount of the scholarship(s) received if she/he becomes permanently totally disabled as established by the sworn affidavit of a qualified physician.

(Source: Emergency amendment at 16 Ill. Regl 6326, effective September 28, 1992, for a maximum of 150 days)

### Section 2763.50 Institutional Procedures EMERGENCY

- a) The Institution shall submit the signed Application/Teaching Agreement/Promissory Note to ISAC on behalf of the Minority Scholar. The submission of the signed Application/Teaching Agreement/Promissory Note shall represent the Institution's request for payment.
- b) ISAC shall disburse scholarship funds in two or three installments, depending on the number of Terms financed by the scholarship; except that, multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the scholarship is being awarded.
- c) Funds shall be remitted by ISAC to Institutions on behalf of Qualified Students Minority Scholars. When requesting payment of scholarship funds, the Institution shall certify to ISAC that the



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Applicant is a Qualified Student as defined in Section 2763.30 2763.20 of this Part.

this Part.

- d) Scholarship funds are applicable towards two semesters/three quarters of Full-time study within an Academic Year. Upon receipt of scholarship funds, the Institution shall verify the Scholar's enrollment status. If the Minority Scholar is Enrolled, the Institution may credit the scholarship funds to the recipient's account for expenses then due and payable. The balance of the disbursement shall be released to the Minority Scholar. If the Minority Scholar has withdrawn from enrollment, the Institution shall return the total amount of the scholarship to ISAC.

## e) Scholarship Amount

- 1) In accordance with this subsection, the Institution at which the Minority Scholar is enrolled shall compute the size of the scholarship and submit a completed, certified Application/Teaching Agreement/Promissory Note. The Minority Scholar must have reviewed and signed the Application/Teaching Agreement/Promissory Note prior to the receipt of any scholarship assistance.

- 2) Minority Teachers of Illinois Scholarships are applicable only toward tuition and fee and room and board charges or commuter allowances, if applicable. The annual scholarship awarded to a Qualified Student must not exceed:

- A) tuition and fees plus room and board expenses charged by the Institution (as reported to ISAC pursuant to 23 Ill. Adm. Code 2700.30(e), General Institutional Eligibility Requirements); or
- B) tuition and fees plus the standard commuter allowance for students living off-campus (as reported to ISAC pursuant to 23 Ill. Adm. Code 2700.30(e)); or
- C) a maximum of \$5,000.

- 3) The total amount of Minority Teachers of Illinois Scholarship assistance awarded to a Scholar in a given academic year, when added to the other financial aid available to the Minority Scholar for that year, cannot exceed the Cost of Attendance.

- 4) In any Academic Year in which the Minority Scholar accepts financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), the Minority Scholar shall not be eligible for scholarship assistance under

- 5) A Minority Scholar may receive grant assistance under the Monetary Award Program (23 Ill. Adm. Code 2735) only up to the amount by which the Minority Scholar's Cost of Attendance exceeds the amount of the scholarship.

(Source: Emergency amendment at 16 Ill. Reg 16326, effective September 28, 1992, for a maximum of 150 days)



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## NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Nos.: Peremptory Action:  
125.270 Amended  
125.280 Amended
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act (Ill. Reg. Stat. 1991), ch. 56 1/2, par. 316; the Federal Meat Inspection Act (21 U.S.C.A. 661); 57 FR 42885 (1992).
- 5) Statutory Authority: The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 316).
- 6) Effective Date: October 19, 1992

7) A Complete Description of the Subjects and Issues Involved:

In order to maintain an "equal to" status with the federal meat and poultry inspection programs as required by the Federal Meat Inspection Act, and in compliance with Section 16 of The Meat and Poultry Inspection Act, amendments to the federal meat inspection rules are being adopted.

The Food Safety and Inspection Service is amending the Federal meat inspection regulations to permit the use of food starch-modified, sodium caseinate, isolated soy protein, and carrageenan as binders, individually, and not in combination, in cured pork products labeled as "Ham Water Added" and "Ham and Water Products X% of Weight is Added Ingredients." The use of such binders would prevent purging of the pumped brine solution from the products. This amendment is effective October 19, 1992. This pertains specifically to Sections 318.7 and 319.104.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principal Office: September 25, 1992
- 10) This rule is in compliance with Section 5.03 of the Illinois Administrative Procedure Act.
- 11) Are there any proposed amendments pending to this Part? No.

## DEPARTMENT OF AGRICULTURE

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- 12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.
- 13) Information and questions regarding this adopted amendment shall be directed to:  
Name: Barbara K. McGuire  
Address: Illinois Department of Agriculture  
State Fairgrounds, Springfield,  
Illinois 62794-9281  
Telephone: 217/782-2172

The full text of the Peremptory amendment begins on the next page:



DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125  
MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR  
POULTRY INSPECTION

| Section |  |
|---------|--|
| 125.10  | Definitions  |
| 125.20  | Incorporation by Reference of Federal Rules            |
| 125.30  | Application for License; Approval                      |
| 125.40  | Official Number  |
| 125.50  | Inspections; Suspension or Revocation of License       |
| 125.60  | Administrative Hearings; Appeals                       |
| 125.70  | Assignment and Authority of Program Employees          |
| 125.80  | Schedule of Operations; Overtime                       |
| 125.90  | Official Marks of Inspection, Devices and Certificates |
| 125.100 | Records and Reports                                    |
| 125.110 | Exemptions   |
| 125.120 | Disposal of Dead Animals and Poultry                   |
| 125.130 | Reportable Animal and Poultry Diseases                 |
| 125.140 | Detention; Seizure; Condemnation                       |

SUBPART B: MEAT INSPECTION

| Section | Livestock and Meat Products   | Entering | Official |
|---------|---|----------|----------|
| 125.150 | Establishments  |          |          |
| 125.160 | Equine and Equine Products  |          |          |
| 125.170 | Facilities for Inspection   |          |          |
| 125.180 | Sanitation  |          |          |
| 125.190 | Ante-Mortem Inspection  |          |          |
| 125.200 | Post-Mortem Inspection  |          |          |
| 125.210 | Disposal of Diseased or Otherwise Adulterated Carcasses and Parts                       |          |          |
| 125.220 | Humane Slaughter of Animals   |          |          |
| 125.230 | Handling and Disposal of Condemned or Other Inedible Products at Official Establishment |          |          |
| 125.240 | Rendering or Other Disposal of Carcasses and Parts Passed for Cooking                   |          |          |
| 125.250 | Marking Products and Their Containers   |          |          |
| 125.260 | Labeling, Marking and Containers  |          |          |
| 125.270 | Entry into Official Establishment; Reinspection and Preparation of Product              |          |          |
| 125.280 | Meat Definitions and Standards of Identity or Composition                               |          |          |

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|         |  |
|---------|--|
| 125.290 | Transportation                                       |
| 125.295 | Imported Products                                    |
| 125.300 | Special Services Relating to Meat and Other Products |
| 125.305 | Exotic Animal Inspection                             |

SUBPART C: POULTRY INSPECTION

| Section |  |
|---------|--|
| 125.310 | Application of Inspection  |
| 125.320 | Facilities for Inspection  |
| 125.330 | Sanitation   |
| 125.340 | Operating Procedures   |
| 125.350 | Ante-Mortem Inspection   |
| 125.360 | Post-Mortem Inspection; Disposition of Carcasses and Parts   |
| 125.370 | Handling and Disposal of Condemned or Inedible Products at Official Establishments                                     |
| 125.380 | Labeling and Containers  |
| 125.390 | Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements |
| 125.400 | Definitions and Standards of Identity or Composition   |
| 125.410 | Transportation; Sale of Poultry or Poultry Products  |

AUTHORITY: Implementing and authorized by The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 301 et seq.) and The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16).

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg.



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18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992.

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## SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION

## Section 125.270 Entry into Official Establishment; Reinspection and Preparation of Product

a) The Department incorporates by reference 9 CFR 318.1(c) through 318.7, 318.9 through 318.10, 318.14 through 318.20, 318.22, 318.300 through 318.311 (1990); 54 FR 43041, effective January 18, 1990; 55 FR 7294, effective August 28, 1990; 55 FR 34678, effective September 24, 1990, as amended by 55 FR 49991, December 4, 1990; 57 FR 27870, effective July 22, 1992; 57 FR 42885, effective October 19, 1992.

b) No meat or meat product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, a federal inspection legend, or is exempt from inspection as stated in Section 125.110. Meat and meat products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.200 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any meat and meat product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected by the inspector and passed. Wild game carcasses shall comply with Section 5(B)(4) of the Act. The official establishment shall maintain an inventory of non-meat items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.

c) Reinspections of meat and/or meat products within the official establishment shall be performed through the use of a random digit table.

d) Docks and receiving rooms for meat and/or meat products or other articles used by the establishment in the preparation of meat products entering an official establishment shall be approved by the inspector if the



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location of such docks or receiving rooms will not permit such product or article to pass through rooms containing inspected and passed products.

- e) The manner of defrosting frozen products and methods of treating to preserve products shall be in accordance with procedures as set forth in the "Meat and Poultry Inspection Manual" as adopted in Section 125.20.
- f) Casings or weasand shall be inspected and passed if it is in compliance with the specific provisions as stated in 9 CFR 318.5(i) for passage of such articles.

g) The Department does not approve new substances to be used on meat or in meat products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used and artificial flavorings may be used if they do not adulterate the meat and/or meat product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.

h) References to exemptions from slaughter and custom slaughter shall mean those exemptions set forth in Section 125.110.

i) Reference to 9 CFR 327 are not applicable to the Department in its enforcement of the rules of this Part. References to the federal Poultry Inspection Act, Section 403 of the Act, Section 7 of the Act, 9 CFR 303, and paragraph 23(a) of the Act shall be interpreted to mean in accordance with The Meat and Poultry Inspection Act and the rules of this Part.

j) The Department does not approve thermometers for use in smokehouses, dry rooms and other compartments that are used in the treatment of pork.

k) Disinfectants shall be those as set forth in Section 125.180.

l) Adequate vacuum shall be determined through the use of vacuum gauges.

m) Canned products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

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n) The inspector shall permit lots of canned product to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 318.309.

o) The standards and procedures for determining when ingredients of finished products are in compliance with this Section shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

(Source: Peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992)

#### Section 125.280 Meat Definitions and Standards of Identity or Composition

The Department incorporates by reference 9 CFR 319 (1990; 55 FR 34678, effective September 24, 1990; 56 FR 41445, effective September 20, 1991; 57 FR 42885, effective October 19, 1992). Methods for the destruction of live trichinae in pork shall be as set forth in Section 125.270 (specifically the incorporated language of 9 CFR 318.10(c)).

(Source: Amended at 16 Ill. Reg. 16337, effective October 19, 1992.



## NOTICE OF PEREMPTORY AMENDMENTS

1) Heading of the Part: Food Stamps2) Code Citation: 89 Ill. Adm. Code 1213) Section Numbers: Peremptory Action:

121.60 Amendment  
121.61 Amendment  
121.63 Amendment

4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking:

In a letter dated August 12, 1992, the Food and Nutrition Service of the United States Department of Agriculture notified the Department of Public Aid ("Department") of required changes in the Income Eligibility Standards, required Standard Deduction and the Shelter Costs Deduction for the Food Stamp Program, effective October 1, 1992. These changes are required by 7CFR 273.9(a)(4), (d)(1) and (d)(5).

This rulemaking implements the above-referenced changes. These changes are mandated by the federal government and preclude the exercise of discretion by the Department. Consequently, the Department finds it necessary to implement these changes pursuant to the peremptory rulemaking process.

5) Statutory Authority: Sections 12-4.4 through 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-4.4 through 12-4.6 and 12-13)6) Effective Date: October 1, 19927) Complete Description of the Subjects and Issues Involved:

This rulemaking updates the Net Monthly Income Eligibility Standards, the Gross Monthly Income Eligibility Standards, the Standard Deduction and the Shelter Costs Deduction for the Food Stamp Program. These adjustments, which are effective October 1, 1992, take into account changes in the cost of living.

8) Does this rulemaking contain an automatic repeal date? No9) Date Filed in Agency's Principal Office: October 1, 199210) This rulemaking is in compliance with Section 5.03 of the Illinois Administrative Procedure Act. Yes

## NOTICE OF PEREMPTORY AMENDMENTS

11) Are there any proposed amendments pending on this Part? Yes

| Sections | Proposed Action | Illinois Register Citation             |
|----------|-----------------|--|
| 121.3    | Amendment       | September 4, 1992 (16 Ill. Reg. 13385) |
| 121.23   | Repeal          | October 16, 1992 (16 Ill. Reg. 15813)  |
| 121.24   | Repeal          | October 16, 1992 (16 Ill. Reg. 15813)  |
| 121.25   | Repeal          | October 16, 1992 (16 Ill. Reg. 15813)  |
| 121.26   | Repeal          | October 16, 1992 (16 Ill. Reg. 15813)  |
| 121.27   | Repeal          | October 16, 1992 (16 Ill. Reg. 15813)  |
| 121.28   | Repeal          | October 16, 1992 (16 Ill. Reg. 15813)  |
| 121.29   | Repeal          | October 16, 1992 (16 Ill. Reg. 15813)  |
| 121.34   | Amendment       | May 29, 1992 (16 Ill. Reg. 8039)       |
| 121.41   | Amendment       | September 4, 1992 (16 Ill. Reg. 13385) |
| 121.59   | Amendment       | September 4, 1992 (16 Ill. Reg. 13385) |
| 121.76   | New Section     | September 4, 1992 (16 Ill. Reg. 13385) |
| 121.160  | New Section     | October 16, 1992 (16 Ill. Reg. 15813)  |
| 121.162  | New Section     | October 16, 1992 (16 Ill. Reg. 15813)  |
| 121.164  | New Section     | October 16, 1992 (16 Ill. Reg. 15813)  |
| 121.166  | New Section     | October 16, 1992 (16 Ill. Reg. 15813)  |
| 121.170  | New Section     | October 16, 1992 (16 Ill. Reg. 15813)  |
| 121.172  | New Section     | October 16, 1992 (16 Ill. Reg. 15813)  |
| 121.174  | New Section     | October 16, 1992 (16 Ill. Reg. 15813)  |
| 121.176  | New Section     | October 16, 1992 (16 Ill. Reg. 15813)  |
| 121.178  | New Section     | October 16, 1992 (16 Ill. Reg. 15813)  |
| 121.180  | New Section     | October 16, 1992 (16 Ill. Reg. 15813)  |
| 121.182  | New Section     | October 16, 1992 (16 Ill. Reg. 15813)  |
| 121.184  | New Section     | October 16, 1992 (16 Ill. Reg. 15813)  |
| 121.186  | New Section     | October 16, 1992 (16 Ill. Reg. 15813)  |
| 121.188  | New Section     | October 16, 1992 (16 Ill. Reg. 15813)  |
| 121.190  | New Section     | October 16, 1992 (16 Ill. Reg. 15813)  |

12) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.13) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna  
Address: Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Avenue East, Third Floor  
Springfield, Illinois 62762  
Telephone: (217) 524-3215

The full text of the Peremptory Amendments begins on the next page:



DEPARTMENT OF PUBLIC AID  
NOTICE OF PEREMPTORY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121  
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

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| 121.1   | Application for Assistance   |
| 121.2   | Time Limitations on the Disposition of an Application              |
| 121.3   | Approval of an Application and Initial Authorization of Assistance |
| 121.4   | Denial of an Application   |
| 121.5   | Client Cooperation   |
| 121.6   | Emergency Assistance   |
| 121.7   | Expedited Services   |
| 121.10  | Interviews   |

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

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| 121.19    | Ending a Voluntary Quit Disqualification                          |
| 121.20    | Citizenship   |
| 121.21    | Residence   |
| 121.22    | Social Security Numbers   |
| 121.23    | Work Registration/Participation Requirements (Repealed)           |
| EMERGENCY | Individuals Exempt From Work Registration Requirements (Repealed) |
| EMERGENCY | Failure to Comply (Repealed)                                      |
| EMERGENCY | Period of Disqualification (Repealed)                             |
| EMERGENCY | Voluntary Job Quit (Repealed)                                     |
| EMERGENCY | Good Cause for Voluntary Job Quit (Repealed)                      |
| EMERGENCY | Exemptions from Voluntary Quit Rule (Repealed)                    |

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

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| 121.31  | Exempt Unearned Income |
| 121.32  | Education Benefits     |

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| 121.33 | Unearned Income In-Kind                  |
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| 121.40 | Earned Income                            |
| 121.41 | Budgeting Earned Income                  |
| 121.50 | Exempt Earned Income                     |
| 121.51 | Income from Work/Study/Training Programs |
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| 121.53 | Income From Rental Property              |
| 121.54 | Earned Income In-Kind                    |
| 121.55 | Sponsors of Aliens                       |
| 121.57 | Assets                                   |
| 121.58 | Exempt Assets                            |
| 121.59 | Asset Disregards                         |

SUBPART D: ELIGIBILITY STANDARDS

| Section |  |
|---------|--|
| 121.60  | Net Monthly Income Eligibility Standards   |
| 121.61  | Gross Monthly Income Eligibility Standards |
| 121.62  | Income Which Must Be Annualized            |
| 121.63  | Deductions From Monthly Income             |
| 121.64  | Coupon Allotment                           |

SUBPART E: HOUSEHOLD CONCEPT

| Section |  |
|---------|--|
| 121.70  | Persons Who May Be Included in the Assistance Unit |
| 121.71  | Living Arrangement                                 |
| 121.72  | Nonhousehold Members                               |
| 121.73  | Ineligible Household Members                       |
| 121.74  | Strikers   |
| 121.75  | Students   |

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

| Section |   |
|---------|---|
| 121.80  | Fraud Disqualification (Renumbered)                   |
| 121.81  | Initiation of Administrative Fraud Hearing (Repealed) |
| 121.82  | Definition of Fraud (Renumbered)                      |
| 121.83  | Notification To Applicant Households (Renumbered)     |
| 121.84  | Disqualification Upon Finding of Fraud (Renumbered)   |
| 121.85  | Court Imposed Disqualification (Renumbered)           |
| 121.90  | Monthly Reporting and Retrospective Budgeting         |
| 121.91  | Monthly Reporting                                     |
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| 121.93  | Direct Mail Issuance of Food Stamp Coupons            |
| 121.94  | Replacement of Food Stamp Coupons                     |



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121.95 Restoration of Lost Benefits  
 121.96 Uses For Food Coupons  
 121.97 Supplemental Payments  
 121.98 Food Stamp Simplified Application Demonstration Project (Repealed)  
 121.120 Recertification of Eligibility  
 121.130 Residents of Shelters for Battered Women and their Children  
 121.135 Incorporation By Reference  
 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

## SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section  
 121.150 Definition of Intentional Violations of the Program  
 121.151 Penalties for Intentional Violations of the Program  
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 121.153 Disqualification Upon Finding of Intentional Violation of the Program  
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## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section  
 121.160 Persons Required to Participate  
 121.162 Participation and Cooperation Requirements  
 121.164 Orientation  
 121.166 Assessment and Employability Plan  
 121.170 Job Search Component  
 121.172 Basic Education Component  
 121.174 Job Readiness Component  
 121.176 Work Experience Component  
 121.178 Job Training Component  
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 121.184 Sanctions  
 121.186 EMERGENCY

121.186 Good Cause for Failure to Cooperate  
 121.188 Supportive Services  
 121.190 Conciliation and Fair Hearings  
 121.200 Types of Claims (Recodified)  
 121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)  
 121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)  
 121.203 Collecting Claim Against Households (Recodified)  
 121.204 Failure to Respond to Initial Demand Letter (Recodified)  
 121.205 Methods of Repayment of Food Stamp Claims (Recodified)  
 121.206 Determination of Monthly Allotment Reductions (Recodified)  
 121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)  
 121.208 Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989 1991, ch. 23, pars. 12-4.4 through 12-4.6 and 12-3)

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982;

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amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12999, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg.

16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.60 Net Monthly Income Eligibility Standards

a) Eligible households whose net monthly income does not exceed the maximum monthly income standards shall be assigned a coupon allotment based on the net monthly food stamp income.

b) The maximum net monthly income standards are:

| Household Size                   | Amount      |
|----------------------------------|-------------|
| 1. . . . .                       | \$--552 568 |
| 2. . . . .                       | --740 766   |
| 3. . . . .                       | --929 955   |
| 4. . . . .                       | 1,117 1,163 |
| 5. . . . .                       | 1,305 1,361 |
| 6. . . . .                       | 1,494 1,560 |
| 7. . . . .                       | 1,682 1,758 |
| 8. . . . .                       | 1,870 1,956 |
| Each additional member . . . . . | +--189 199  |

Derived from Office of Management and Budget non-farm, income poverty guidelines.

(Source: Peremptory amendment at 16 Ill. Reg. 16345 effective October 1, 1992)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PEREMPTORY AMENDMENTS

## Section 121.61 Gross Monthly Income Eligibility Standards

## a) Gross Monthly Income Eligibility Standards

1) The gross income standards of eligibility shall be 130 percent of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (see 7 CFR 273.9(a)(1)(1990)). However, categorically eligible households and households containing a member who is elderly, blind or disabled will be exempt from this gross income check (see also 7 CFR 273.9(c)(1990)). To qualify for increased benefits a household must contain a member who meets one (1) of the following requirements:

- A) A member is 60 years of age or older. An individual is considered age 60 in the fiscal month he/she becomes 60.
- B) A member receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, (this includes the household where the member is receiving SSI income pending a final decision from the Social Security Administration. This SSI income is being provided on a temporary or emergency basis), or
- C) A member receives Social Security disability or blindness benefits under Title II (RSDI) of the Social Security Act.
- D) A member receives State Supplemental Payment (SSP) due to blindness or disability. This does not include cases in PE status pending a determination of blindness or disability.
- E) A veteran with a service connected disability rated or paid as totally disabled by the Veterans Administration (VA).

F) A veteran considered by the VA to be in need of regular aid and attendance or permanently housebound.

G) A veteran's surviving spouse who is considered in need of aid and attendance or considered permanently housebound by the Veterans Administration or a veteran's surviving child who is considered permanently incapable of self-support by the Veterans Administration.

H) A veteran's surviving spouse or child entitled to compensation for a service connected death or pension benefits for a non-service connected death from the Veterans Administration if the spouse or child also has a disability considered permanent under Social Security requirements.

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## Section 121.61(a)(1) (continued)

- I) A member receives federal, state, or local government disability pension and is considered permanently disabled under Social Security requirements.
- J) A member receives Railroad Retirement disability benefits.
- K) A member receives an annuity payment from Railroad Retirement and is eligible for Medicare.
- L) A member receives disability-related medical assistance benefits (Categories 92 and 93) under Title XIX (Medicaid) of the Social Security Act.

2) For those veterans, surviving spouses, or children mentioned in subsections (F) and (G) above, proof of receipt of VA disability benefits is sufficient verification of disability. For those veterans mentioned in subsection (E) above, a verified statement in writing from the VA that the individual is totally disabled must be provided. To verify disability for those individuals mentioned in subsection (H) above, the individual must provide a statement from the Social Security Administration or from a physician of the Medical Practice Act of 1987 (Ill. Rev. Stat. 1989 1991, ch. 111, par. 4400 - 1 et seq.), or a licensed or certified psychologist under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1989, ch. 111, par. 5351 et seq.) that the individual suffers from one of the disabilities listed in the preamble to Section 221(i) of the Social Security Act (42 U.S.C. 421(i)) or if the disability is obvious, by observation of the caseworker (e.g., permanent loss of use of both hands).

| b) Household Size      | Gross Income |
|------------------------|--------------|
| One Person             | \$--718 738  |
| Two Persons            | 962 996      |
| Three Persons          | 1,207 1,254  |
| Four Persons           | 1,452 1,512  |
| Five Persons           | 1,697 1,770  |
| Six Persons            | 1,942 2,027  |
| Seven Persons          | 2,187 2,285  |
| Eight Persons          | 2,431 2,543  |
| Nine Persons           | 2,676 2,801  |
| Ten Persons            | 2,921 3,059  |
| Each Additional Member | +245 258     |

(Source: Peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PEREMPTORY AMENDMENTS

## Section 121.63 Deductions From Monthly Income

The following deductions shall be allowed in the determination of the adjusted net monthly food stamp income:

- a) Earned income Deduction. Eighty percent of total gross earned income is considered. (See 89 Ill. Adm. Code 121.40 through 121.54 for a description of earned income.)
- b) Standard Deduction. One hundred and twenty-two ~~twenty-seven~~ dollars (\$122.00 ~~\$127.00~~) per household per month.
- c) Dependent Care Deduction
  - 1) Payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria (contained in 89 Ill. Adm. Code 112.70 through 112.73) or to attend training or pursue education which is preparatory for employment.
  - 2) The amount of the deduction is to be determined by the actual costs for care and is not to exceed \$160.00 per month for each dependent household member.

## d) Shelter Costs Deduction

- 1) Shelter costs that exceed 50% of the household's total income after the allowable deductions in subsections (a), (b) and (c) have been made. The shelter deduction shall not exceed \$194.00 ~~\$200.00~~.
- 2) If the household contains a member who is elderly or disabled as defined at 7 CFR 271.2 (1990) and Section 121.61 "Gross Monthly Income Eligibility Standards", there is no limit on the amount of excess shelter deduction.
- 3) Households in which all members are homeless but that are not receiving free shelter throughout the month, are entitled to a one hundred and twenty-eight dollar (\$128.00) per month homeless shelter costs deduction. Homeless households with shelter costs which exceed the homeless shelter costs deduction, are allowed to claim the higher shelter costs if these costs are verified. Homeless households which receive free housing and utilities throughout the month are not entitled to the homeless shelter costs deduction.
- 4) Shelter costs include only the following:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PEREMPTORY AMENDMENTS

## Section 121.63(d)(4) (continued)

- A) Continuing charges for the shelter occupied by the household (rent, mortgage, and other charges leading to the ownership of the shelter, including interest on such charges).
- B) Property taxes, State and local assessments and insurance on the structure itself.
- C) Utility Costs
  - i) Include the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection fees; basic service fee for one telephone (including tax on the basic fee) of \$27.00; and fees charged by the utility provider for initial installation. Utility deposits are not utility costs.
  - ii) Those households which are billed for heating or air conditioning, or both, separately from their rent or mortgage may claim the standard utility allowance of \$195.00. Households living in rental housing who are billed on a regular basis by a landlord for heating and/or air conditioning costs may use the standard utility allowance if utility usage is determined through a meter or otherwise is verifiable or if the charge for heating and/or air conditioning is separate and identifiable. If the standard utility allowance is used, then no other utility costs may be claimed. If actual utility costs exceed the standard utility allowance, then actual, verified costs may be claimed, except that if a separately-billed phone expense is claimed only the basic telephone allowance of \$27.00 per month is allowed. The client that maintains the same residence may not switch between the standard utility allowance and actual utility costs for a period of twelve months from the time of initial certification and no more frequently than once every twelve (12) months thereafter.
  - iii) However, during the heating or cooling season, a household that is billed less often than monthly for its heating and/or air conditioning costs but is otherwise eligible to use the standard utility allowance may continue to use the standard utility allowance between billing months.
  - iv) Households in public housing or privately owned rental



## NOTICE OF PEREMPTORY AMENDMENTS

## Section 121.63(d)(4)(C)(iv) (continued)

units which receive a bill for over-usage are not entitled to use the standard utility allowance. When households (as defined at 7 CFR 273.1(a)(1990)) live together, the standard utility allowance shall be divided equally among the households which contribute toward the utility costs whether or not each household participates in the program.

- v) Households whose heat and/or air conditioning expense is covered by indirect energy assistance payments (Illinois Home Energy Assistance Program (47 Ill. Adm. Code 100)) shall be entitled to the standard utility allowance (7 CFR 273.9 and 273.10(d)(6) (1990)). The provisions of subsection (ii) above, are applicable to households whose heating and/or air conditioning expense(s) are covered by indirect energy assistance payments.

- D) Those households which are not billed separately for either heat or air conditioning are not entitled to claim the standard utility allowance but may claim the actual utility amounts for which they are billed separately, subject to the \$27.00 per month limitation for telephone expense.

- 5) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if, the household intends to return to the home; the current occupants of the home, if any, are not claiming the shelter costs for food stamp purposes; and the home is not leased or rented during the absence of the household.

- 6) Charges for repair of the home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.

- e) Excess Medical Deductions. A deduction for excess medical expenses for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (1990) and Section 121.61 "Gross Monthly Income Eligibility Standards". The medical expenses incurred by the qualifying household member which are over \$35 will be deducted if the expenses will not be reimbursed by insurance or a third party.

(Source: Peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992)

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF REGULATORY FLEXIBILITY IMPACT ANALYSIS

Upon initial review, it has been determined that the following proposed rules promulgated by State agencies may impact small business:

AGRICULTURE, DEPARTMENT OF  
Lawncare & Wash Water Rinsate Collection;  
8 Ill. Adm. Code 256

Published October 2, 1992 at 16 Ill. Reg. 14975

PUBLIC AID, DEPARTMENT OF

Medical Payment; 89 Ill. Adm. Code 140 (Emergency)  
Published October 2, 1992 at 16 Ill. Reg. 15019

PUBLIC HEALTH, DEPARTMENT OF

Intermediate Care for the Developmentally Disabled  
Facilities Code; 77 Ill. Adm. Code 350

Published October 2, 1992 at 16 Ill. Reg. 15044

Plumbers Licensing Code; 68 Ill. Adm. Code 750

Published October 2, 1992 at 16 Ill. Reg. 15056

Persons wishing to obtain more information concerning the impact on small business may contact:

Linda Brand  
Department of Commerce and Community Affairs  
Office of Regulatory Assistance  
620 East Adams Street/6th Floor  
Springfield, IL 62701  
(217) 524-1516



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 30, 1992 through October 6, 1992, and have been scheduled for review by the Committee at its October 13, 1992 or November 17, 1992 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield, IL 62706.

| Second Notice Expires | Agency and Rule  | Start of First Notice          | JCAR Meeting |
|-----------------------|--|--------------------------------|--------------|
| 11/13/92              | Department of Public Aid, Aid to Families with Dependent Children (89 Ill Adm Code 112)                      | 7/17/92<br>16 Ill Reg<br>11399 | 10/13/92     |
| 11/13/92              | Department of Financial Institutions, Illinois Credit Union Act (38 Ill Adm Code 190)                        | 8/14/92<br>16 Ill Reg<br>12754 | 10/13/92     |
| 11/13/92              | State Board of Education, Public Schools Evaluation, Recognition and Supervision (23 Ill Adm Code 1)         | 6/12/92<br>16 Ill Reg<br>8684  | 10/13/92     |
| 11/13/92              | State Board of Education, Certification (23 Ill Adm Code 25)   | 6/19/92<br>16 Ill Reg<br>9234  | 10/13/92     |
| 11/16/92              | Illinois Housing Development Authority, HOME Program (47 Ill Adm Code 370)                                   | 7/24/92<br>16 Ill Reg<br>11713 | 10/13/92     |
| 11/16/92              | Department of Commerce and Community Affairs, Small Business Impact Analysis Procedures (1 Ill Adm Code 300) | 7/17/92<br>16 Ill Reg<br>11391 | 10/13/92     |
| 11/18/92              | Department of Insurance, Infertility Coverage (50 Ill Adm Code 2015)   | 5/1/92<br>16 Ill Reg<br>6925   | 11/17/92     |
| 11/19/92              | Department of Children and Family Services, Services Delivered by the Department (89 Ill Adm Code 302)       | 5/15/92<br>16 Ill Reg<br>7565  | 11/17/92     |

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED  
(page 2)

| Second Notice Expires | Agency and Rule   | Start of First Notice         | JCAR Meeting |
|-----------------------|---|-------------------------------|--------------|
| 11/19/92              | Department of Children and Family Services, Access to and Eligibility for Child Welfare Services (89 Ill Adm Code 304)        | 5/15/92<br>16 Ill Reg<br>7545 | 11/17/92     |
| 11/19/92              | Department of Children and Family Services, Multiple Licensure, Repeal of (89 Ill Adm Code 378)                               | 5/15/92<br>16 Ill Reg<br>7561 | 11/17/92     |
| 11/19/92              | Commissioner of Savings and Residential Finance, Residential Mortgage License Act of 1987 (38 Ill Adm Code 450)               | 8/7/92<br>16 Ill Reg<br>12406 | 11/17/92     |
| 11/19/92              | Department of Conservation, Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit and Crow Hunting (17 Ill Adm Code 530) | 8/7/92<br>16 Ill Reg<br>12280 | 11/17/92     |
| 11/19/92              | Department of Public Aid, Medical Payment (89 Ill Adm Code 140)   | 6/19/92<br>16 Ill Reg<br>9393 | 11/17/92     |



## PROCLAMATION

92-412

## ADULT IMMUNIZATION AWARENESS WEEK

Whereas, each year, influenza and pneumococcal pneumonia are responsible for hundreds of deaths among Illinois adults, especially older or chronically ill individuals; and

Whereas, insufficient numbers of adults are immunized against these diseases or against other vaccine-preventable diseases such as measles, mumps, rubella, and hepatitis B; and

Whereas, fewer than half of Illinoisans over age 60 are adequately protected against tetanus and diphtheria; and

Whereas, the lives of many American adults could be spared this year through immunizations with vaccines that are proven safe and effective and are readily available to the public; and

Whereas, preventing disease is more cost effective than treating illness, and immunization is a proven method of prevention; and

Whereas, the Surgeon General of the U.S. Public Health Service has repeatedly called on this nation to reduce massive costs of health care through a program of preventive health care in immunization against infectious diseases;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 25-31, 1992, as ADULT IMMUNIZATION AWARENESS WEEK in Illinois and urge all Illinois adults to check and maintain their immunization records and to obtain needed immunizations.

Issued by the Governor September 21, 1992.

Filed With the Secretary of State October 5, 1992.

92-413

## ELECTION EDUCATION MONTH

Whereas, since 1976, the Illinois State Board of Education and the Illinois State Board of Elections have played an integral role in election education programs. In conjunction with the Governor's Office, these agencies are sponsoring the 1992 Illinois Student Election Program; and

Whereas, the 1992 Illinois Student Election Program aims to educate elementary and secondary students on the voting and election processes and the value of voting in local, state, and national elections; and

Whereas, the program emphasizes to our young people that voting is the key to their future;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1992 as ELECTION EDUCATION MONTH in the State of Illinois, and I urge all Illinoisans to join me, along with the State Board of Education and the State Board of Elections in supporting this exciting venture.

Issued by the Governor September 21, 1992.

Filed with the Secretary of State October 5, 1992.

92-414

## NATIVE AMERICAN AWARENESS MONTH

Whereas, 10,000 years ago, the first inhabitants of Illinois hunted, fished, and gathered food to support their families in areas such as Cahokia and Dickson Mounds. These early residents considered Illinois' rich soils, abundant water, productive hardwoods, and tall prairie grasses a good place to call home; and

Whereas, at first, the early European settlers were not considerate of cultures other than their own, but through the kindness and hospitality of the Native Americans, the settlers began to understand the value of cultural diversity. Through this sharing, the Europeans gained knowledge in crops, hunting, medicine, and fishing; and

Whereas, Native Americans have an envious understanding of the environment and dedication to natural resources; and

Whereas, on October 17, Illinois will become the first state to have its portion of the Trail of Tears dedicated by the U.S. Department of the Interior;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1992 as NATIVE AMERICAN AWARENESS MONTH and encourage all Illinoisans to recognize the contributions of Native Americans.

Issued by the Governor September 21, 1992.

Filed with the Secretary of State October 5, 1992.

92-415

## MENTAL ILLNESS AWARENESS WEEK

Whereas, severe mental illness affects hundreds of thousands of Illinois citizens; and

Whereas, the deterioration of a community begins with deterioration of the mental status of its residents; and

Whereas, mental illness is still feared and misunderstood by the general public. However, the quality of life of the chronically mentally ill can be improved through family and community support; and

Whereas, the incidence of suicide among teenagers and the elderly is increasing, between 30 and 40 percent of the homeless suffer from serious chronic forms of mental illness; and

Whereas, mental illness is increasingly a treatable disability with excellent prospects for amelioration and recovery when properly recognized; and

Whereas, greater support for scientific research will continue to yield breakthroughs which will enhance prognosis for recovery of severe mental illness;

Therefore, I, Jim Edgar, Governor of the State of Illinois,



proclaim October 4-10, 1992, as MENTAL ILLNESS AWARENESS WEEK in Illinois and urge all citizens to be cognizant of the events arranged for this time.

Issued by the Governor September 22, 1992.  
Filed with the Secretary of State October 5, 1992.

## 92-416

## AMERICAN INDIAN DAY

Whereas, since 1919, the fourth Friday in September has been set aside in Illinois for programs commemorating American Indians and their significant role in the history and development of our state; and

Whereas, American Indians continue to make important contributions to life in our state. Illinois is the home of more than 30 different tribes, and Chicago has one of the largest urban concentrations of Indians in the country; and

Whereas, the ancestors of these citizens contributed to the food and pharmaceutical supplies of the world and provide ongoing cultural and artistic contributions;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 25, 1992, as AMERICAN INDIAN DAY in Illinois.

Issued by the Governor September 23, 1992.  
Filed with the Secretary of State October 5, 1992.

## 92-417

## CASEY HIGH SCHOOL--100 YEARS OF MAKING THE GRADE

Whereas, Casey High School was organized in 1892, with the class of 1895 being its first graduating class; and

Whereas, the Casey High School building was erected in 1918; and

Whereas, Casey High School has become a cornerstone of its community and has shown dedication to improving the quality of life for Casey area residents; and

Whereas, 1992 marks Casey High School's 100th year of "Making the Grade";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim the 1992-93 school year as CASEY HIGH SCHOOL--100 YEARS OF MAKING THE GRADE in Illinois.

Issued by the Governor September 23, 1992.  
Filed with the Secretary of State October 5, 1992.

## 92-418

## COLOMBIAN WEEK

Whereas, more than 50,000 Colombian-American citizens reside in Illinois and help our state grow and prosper through their generous participation in business, politics, health, law,

education, the arts, social service, and other professions; and Whereas, the greatest strength of our economic, social, and political systems is the opportunity they afford each person to succeed according to his or her own talents and efforts; and

Whereas, we should show support and encouragement for our communities by recognizing the tremendous contributions they make toward the continued economic and social development of Illinois; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 20-27, 1992, as COLOMBIAN WEEK in Illinois and urge citizens to observe the many outstanding contributions Colombian Americans have made to our state.

Issued by the Governor September 23, 1992.

Filed with the Secretary of State October 5, 1992.

## 92-419

## GENERAL VON STUEBEN DAY

Whereas, German-Americans represent the largest ethnic group in Illinois; and

Whereas, the annual German American Fest will be held September 25-27, 1992, in Chicago; and

Whereas, on September 26, 1992, the 27th annual General Von Stueben Parade will take place on Dearborn Street and Wacker Drive in downtown Chicago September. More than 200 units will participate in the parade; and

Whereas, the parade honors General Von Stueben's internationally renowned leadership and pays tribute to the cause of freedom. The parade also marks his birthday anniversary, which is widely observed on September 17; and

Whereas, these festivities are being sponsored by United German-American Societies of Greater Chicago to promote the celebration of Illinois' German-American heritage; and

Whereas, in addition to other festivities, the State of Illinois Center will feature a German-American culture and heritage display and programs;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 26, 1992, as GENERAL VON STUEBEN DAY in Illinois.

Issued by the Governor September 23, 1992.

Filed with the Secretary of State October 5, 1992.

## 92-420

## NEWS-SUN OF LAKE COUNTY MONTH

Whereas, the News-Sun of Lake County was established in 1892 and has been in daily publication since 1897; and

Whereas, the News-Sun, based in the county seat of Waukegan, is the only daily newspaper published in Lake County. It has a Monday through Friday evening circulation of more than 40,000 and a Saturday morning 'Weekend' circulation of approximately 45,000;



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and

Whereas, the News-Sun has been a member of the Copley Press since 1984. Copley press also publishes the State Journal-Register of Springfield, the Lincoln Courier, the Beacon-News of Aurora, the Daily Courier-News of Elgin, and the Herald-News of Joliet, as well as other suburban weekly newspapers; and

Whereas, the News-Sun has been consistently cited by various press organizations as an outstanding publication. It covers 48 municipalities, Lake County government, 56 public school districts, and dozens of special taxing districts; and

Whereas, 1992 marks the News-Sun's 100th anniversary of service; and

Whereas, the 87th Illinois General Assembly has recognized the News-Sun for its centennial anniversary and the valuable services it has provided to the Lake County community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1992, as NEWS-SUN OF LAKE COUNTY MONTH in Illinois and congratulate the publication on its centennial anniversary.

Issued by the Governor September 23, 1992.

Filed with the Secretary of State October 5, 1992.

92-421

## ART OF LEATHERCRAFT MONTH

Whereas, founded in 1955, the Prairie States Leather Guild is one of the oldest existing leather guilds and is chartered by the State of Illinois. Most of its members are Illinois artisans; and

Whereas, on October 2, 3, and 4, the Prairie States Leather Guild will host the 1992 International Federation of Leather Guilds Exposition in Homewood; and

Whereas, the exposition is considered a prestigious competition among leather artisans; and

Whereas, during the exposition, artisans and Master Crafters from the United States, England, Switzerland, Austria, Portugal, South Africa, Australia, New Zealand, Mexico, Canada and Japan will demonstrate their art and share their techniques;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1992 as the ART OF LEATHERCRAFT MONTH in Illinois.

Issued by the Governor September 24, 1992.

Filed with the Secretary of State October 5, 1992.

92-422

## LAWYERS FOR THE CREATIVE ARTS DAY

Whereas, founded in 1972, Lawyers for the Creative Arts (LCA) is an Illinois organization that offers free legal assistance and educational services to artists and arts organizations that are

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financially unable to retain legal counsel; and

Whereas, LCA helps individual artists and organizations working in all facets of the arts, including theater, music, sculpture, dance, painting, photography, writing, graphic design and illustration, film, and video; and

Whereas, LCA provides legal assistance for all arts-related legal problems, such as reviewing contracts, recovering artwork, copyright infringement, collecting payment for work, tax problems, and not-for-profit incorporation and tax exemption; and

Whereas, LCA offers a number of other services to the arts community, such as publications, workshops, and conferences; and

Whereas, 1992 marks LCA's 20th anniversary;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 30, 1992, as LAWYERS FOR THE CREATIVE ARTS DAY in Illinois in recognition of the organization's 20th year of service to artists in our state.

Issued by the Governor September 24, 1992.

Filed with the Secretary of State October 5, 1992.

92-423

## LEARNING DISABILITIES MONTH

Whereas, learning disabilities threaten one of our most precious rights--the right to learn; and

Whereas, learning disabilities usually stem from delayed or distorted development of the central nervous system. Such disabilities can prevent normal learning behavior, even in individuals with average or above-average intelligence and can keep youngsters from reaching their full potential; and

Whereas, the Illinois Association for Citizens with Learning Disabilities believes an individual approach is beneficial to these youngsters when dealing with their educational, psychological, and medical needs. Early diagnosis of their disabilities and proper remediation allow them to become productive citizens in our society;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1992 as LEARNING DISABILITIES MONTH in Illinois.

Issued by the Governor September 24, 1992.

Filed with the Secretary of State October 5, 1992.

92-424

## OSTEOPATHIC MEDICINE WEEK

Whereas, for more than 100 years, the osteopathic medical profession has been dedicated to preserving good health for all Americans; and

Whereas, osteopathic health care is a distinctive branch of mainstream medical care, and Illinois Doctors of Osteopathy are fully licensed physicians who stress the unity of all body systems and emphasize the importance of the musculoskeletal



system; and

Whereas, osteopathic physicians and hospitals are concerned with meeting the health needs of the whole person and the whole family and offer preventive medical services; and

Whereas, we should recognize the need for the latest technology and for caring physicians committed to family practice, modern health care, and the entire person in treating illnesses; and

Whereas, National Osteopathic Medicine Week will be observed nationwide October 4-10;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 4-10, 1992, as OSTEOPATHIC MEDICINE WEEK in Illinois, in accordance with the national observance.

Issued by the Governor September 24, 1992.

Filed with the Secretary of State October 5, 1992.

92-425

## STAY IN SCHOOL/STAY OFF DRUGS MONTH

Whereas, the State of Illinois believes quality instructional programs, services, and activities should be provided so all young people have opportunities to obtain the necessary skills, knowledge, and aptitudes needed for initial employment, as well as access to technical update and retraining; and

Whereas, the United States Army Recruiting Command has joined individuals and organizations across the state in recognizing that all citizens have a responsibility to assist and encourage our young people to complete high school; and

Whereas, school dropouts traditionally represent the highest percentage of those who are unemployed and may have the temptation to turn to drugs; and

Whereas, the United States Army Recruiting Command is urging all citizens to assist in encouraging our students to stay in school and has targeted the 1992-1993 school year as the time to launch its "Stay in School/Stay off Drugs" campaign;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1992 as STAY IN SCHOOL/STAY OFF DRUGS MONTH in Illinois.

Issued by the Governor September 24, 1992.

Filed with the Secretary of State October 5, 1992.

92-426

## WORLD POPULATION AWARENESS WEEK

Whereas, the world population exceeds 5.3 billion and is growing at an unprecedented rate of approximately 90 million per year. The population will grow by three billion people in the next 30 years, a number equal to the world population in 1960; and

Whereas, the impact of a growing world population has

contributed substantially to environmental degradation and natural resource depletion and poses a growing threat to natural ecosystems; and

Whereas, one-half of the 10 million infant deaths and one-quarter of the 500,000 maternal deaths that occur each year in the developing world could be prevented if voluntary child-spacing and maternal health programs could be substantially expanded; and

Whereas, research reveals that one-half of the women of reproductive age in developing countries would like to limit the size of their families but lack the means or ability to gain access to family planning;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 25-31, 1992, as WORLD POPULATION AWARENESS WEEK in Illinois and urge citizens to recognize the consequences of world overpopulation and do what they can to contribute to a solution.

Issued by the Governor September 24, 1992.

Filed with the Secretary of State October 5, 1992.

92-427

## GERMAN-AMERICAN DAY

Whereas, the first German immigrants arrived in the United States October 6, 1683; and

Whereas, today more than 60 million Americans trace at least a part of their ancestry to Germany. German-Americans account for the largest ethnic group in our state; and

Whereas, the sons and daughters of Germany have made numerous contributions to our nation and our state; and

Whereas, the United German-American Societies of Greater Chicago are sponsoring a number of festivities to celebrate Illinois' German-American heritage, including the 27th annual General Von Stueben Parade September 26 and the annual German-American fest September 25-27;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 6, 1992, as GERMAN-AMERICAN DAY in Illinois and encourage all Illinoisans to be cognizant of this annual celebration.

Issued by the Governor September 25, 1992.

Filed with the Secretary of State October 5, 1992.

92-428

## ILLINOIS COMMUNITY COLLEGES STUDENT ACTIVITIES WEEK

Whereas, the Illinois Community College Student Activities Association was established in 1978 to serve the needs of the community college populations and student activities professionals; and

Whereas, student activities programs are instrumental in



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implementing the philosophy of student development, demonstrating that learning involves not only the intellect but also the emotional, social, physical, and ethical development of the college student; and

Whereas, student activities programs strive to meet community cultural and entertainment needs, fostering community awareness and establishing a foundation for community support;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 4-10, 1992, as ILLINOIS COMMUNITY COLLEGES STUDENT ACTIVITIES WEEK in Illinois in recognition of the contributions student activities programs make to community college students and members of our communities.

Issued by the Governor September 25, 1992.

Filed with the Secretary of State October 5, 1992.

92-429

VICTORY WEEK

Whereas, life can be seen as a conflict between ascending forces of inner freedom and descending limitations imposed by circumstances. In this struggle, victory emerges from the undaunted ascent of the human spirit; and

Whereas, in this fine example of the vitality of human effort and purpose, many among us struggle each day to overcome adversity. Those who succeed, and do so by providing an example to the rest of us, truly represent the victory of the human spirit. They have exemplified exceptional depth of inner strength, tenacity of purpose, integrity of effort and courage in the face of adversity; and

Whereas, these special individuals have earned our respect; now they deserve recognition. By celebrating their victories, we offer hope to the millions of Americans facing the personal challenge of mental illness, substance abuse, physical illness or disability, or any other adversity; and

Whereas, the National Rehabilitation Hospital, which sponsors the Annual Victory Awards Celebration in Washington, D.C., joins in recognizing those individuals;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 25-30, 1993, as VICTORY WEEK in Illinois.

Issued by the Governor September 25, 1992.

Filed with the Secretary of State October 5, 1992.



| ACTION CODES                             |  |
|--|--|
| A - Adopted Rule                         | P - Proposed Rule                      |
| AR - Adopted Repealer                    | PF - Prohibited Filing Order by JCAR*  |
| C - Notice of Corrections                | PP - Peremptory or Court Ordered Rules |
| CC - Codification Changes                | PR - Proposed Repealer                 |
| E - Emergency Rule                       | R - Refusal to meet JCAR Objection     |
| ER - Emergency Repealer                  | RC - Statement of Recommendation       |
| M - Modification to meet JCAR objections | S - Suspension ordered by JCAR         |
| O - JCAR Statement of Objections         | W - Withdrawal to meet JCAR            |
| RQ - Request for Correction              | Objections                             |
| EC - Expedited Corrections               |  |

\*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

#### ABANDONED MINED LANDS RECLAMATION COUNCIL

- 62 Ill. Adm. Code 2501 Abandoned Mined Lands Reclamation (P-2719; A-8345) (E-2897) (P-11363) (P-14335/91; A-11403) (E-11625)
- 4 Ill. Adm. Code 1000 Americans With Disabilities Act Grievance Procedure (P-12799)

#### AGING, DEPARTMENT ON

- 89 Ill. Adm. Code 240 Community Care Program (E-17398/91; S-1744; W-2955; M-2943) (P-17007/91; PF-1744; M-2930; A-11731) (E-2630) (E-2901) (E-4069; RC-6898) (P-4087; C-5083; A-14565) (P-12251; C-13662) (E-12615) (P-11363) (A-11403) (E-11625) (O-15183) (P-15203)
- 89 Ill. Adm. Code 230 Older Americans Act Programs (P-3605; A-15401) (O-15184) (R-15590)

#### AGRICULTURE, DEPARTMENT OF

- 8 Ill. Adm. Code 1 Administrative Rules (Formal Administrative Proceedings; Contested Cases; Petitions; Declaratory Rulings; Public Disclosure) (P-8631; A-15850)
- 4 Ill. Adm. Code 550 Americans With Disabilities Act Grievance Procedure (P-5097; A-11744)
- 8 Ill. Adm. Code 30 Animal Control Act (P-3618; A-11751)
- 8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-3624; A-11416)
- 8 Ill. Adm. Code 200 Commercial Feed Act (P-9169; A-15889)
- 8 Ill. Adm. Code 85 Diseased Animals (P-3635; A-11756)
- 8 Ill. Adm. Code 305 Governor's Agricultural Heritage Award (P-7949; A-13788)
- 8 Ill. Adm. Code 55 Hatcheries, Poultry Flocks, & Produce Thereof (P-3646; A-11766)
- 8 Ill. Adm. Code 90 III. Dead Animal Disposal Act (P-3653; A-11773)
- 8 Ill. Adm. Code 115 III. Pseudorabies Control Act (P-3661; A-11781)

#### AGRICULTURE, DEPARTMENT OF (CONT'D)

- 8 Ill. Adm. Code 256 Lawncare & Wash Water Rinsate Collection (P-14975)
- 8 Ill. Adm. Code 40 Livestock Auction Markets (P-3673; A-11793)
- 8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-1899) (P-1921; A-8349) (PP-11687) (PP-11963) (PP-12234) (PP-16337)
- 2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-3893)
- 8 Ill. Adm. Code 235 Seed Arbitration (P-2969; A-8361)
- 8 Ill. Adm. Code 211 Soil Amendments (P-7955; A-13794)
- 8 Ill. Adm. Code 580 Specialty Farm Product Buyers Act (P-8671; A-15913)
- 8 Ill. Adm. Code 5 Standardization of Agriculture Products (P-3231; A-8364)
- 8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-3680; A-11799)

#### ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

- 4 Ill. Adm. Code 500 Americans With Disabilities Act Grievance Procedure (P-2721; A-11426)
- 77 Ill. Adm. Code 2031 Award Criteria & Procedure (P-9149/91; AR-2455)
- 77 Ill. Adm. Code 2030 Award & Monitoring of Funds (P-9083/91; A-2457)
- 77 Ill. Adm. Code 2056 Driving Under the Influence Programs (P-4567; A-15917)
- 77 Ill. Adm. Code 2030 Fiscal & Programmatic Requirements (P-9153/91; AR-2530)
- 77 Ill. Adm. Code 2090 Subacute Alcoholism & Substance Abuse Treatment Services (P-5104; A-11807)
- 77 Ill. Adm. Code 2032 Suspension & Termination of Financial Assistance (P-9218; AR-2533)
- 77 Ill. Adm. Code 2080 Triplicate Prescription Control Program (P-11367)

#### APPELLATE PROSECUTOR, STATE'S ATTORNEYS

- 2 Ill. Adm. Code 351 Freedom of Information (A-13229)

#### ATTORNEY GENERAL

- 4 Ill. Adm. Code 125 Americans With Disabilities Act Grievance Procedure (P-2283)

#### BANKS AND TRUST COMPANIES, COMMISSIONER OF

- 38 Ill. Adm. Code 307 Acquisition of Former Main Banking Premises or Branches of Eligible Depository Institutions (P-5391; A-12416)
- 38 Ill. Adm. Code 354 Administration of Assets Obtained in Collection of a Debt (P-5395; A-12420)
- 4 Ill. Adm. Code 375 Americans With Disabilities Act Grievance Procedure (P-4125; A-15976)
- 38 Ill. Adm. Code 310 Electronic Fund Transfers (P-10125) (E-10353; RC-12643)

#### CAPITAL DEVELOPMENT BOARD

- 4 Ill. Adm. Code 725 Americans With Disabilities Act Grievance Procedure (P-3689; A-11432)
- 44 Ill. Adm. Code 950 Prequalification & Suspension of Contractors (P-3695; A-12424)
- 2 Ill. Adm. Code 1650 Rules of the Capital Development Board (A-13237)

#### CARNIVAL-AMUSEMENT SAFETY BOARD

- 56 Ill. Adm. Code 6000 Carnival & Amusement Ride Inspection Law (P-5399; A-12436) (P-7543; A-15415) (E-7716)

#### CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

- 44 Ill. Adm. Code 5000 Acquisition, Management & Disposal of Real Property (P-11378)
- 4 Ill. Adm. Code 450 Americans With Disabilities Act Grievance Procedure (P-2292; A-8944)



**CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF (CONT'D)**

- 80 Ill. Adm. Code 303 Conditions of Employment (P-327; A-8368)
- 89 Ill. Adm. Code 1300 Day Care (P-5141/91; A-4819)
- 80 Ill. Adm. Code 304 General Provisions (P-334; RC-10499)
- 80 Ill. Adm. Code 302 Merit & Fitness (P-8675; A-13489) (P-11390) (E-11645; O-13371)
- 44 Ill. Adm. Code 5010 Marking, Inventory, Transfer & Disposal of State-Owned Personal Property (P-10127)
- 80 Ill. Adm. Code 310 Pay Plan (E-711) (P-12051/91; A-3450) (PP-5068; RC-6899) (P-6521) (E-6888) (PP-7056) (E-8239) (P-342; A-8382) (P-13179) (P-13679) (E-13950) (P-14001) (E-14452)
- 44 Ill. Adm. Code 5030 Personal Use of State Telephones (P-18013/91; A-4826)
- 80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-3235; A-11438)
- 44 Ill. Adm. Code 1 Standard Procurement (P-12808) (E-131118)
- 80 Ill. Adm. Code 2110 State of Ill. Dependent Care Assistance Plan (P-12064/91; A-13801)
- 80 Ill. Adm. Code 2120 State of Ill. Medical Care Assistance Plan (P-12074/91; A-13811)
- 80 Ill. Adm. Code 2800 Travel (P-15199/91; A-4831) (P-7079; A-13823)

**CHILDREN AND FAMILY SERVICES, DEPARTMENT OF**

- 89 Ill. Adm. Code 304 Access to & Eligibility for Child Welfare Services (P-7545)
- 89 Ill. Adm. Code 336 Appeal of Child Abuse & Neglect Investigation Findings (P-7963)
- 89 Ill. Adm. Code 305 Client Service Planning (P-5403) (A-12772)
- 89 Ill. Adm. Code 377 Facilities & Programs Exempt from Licensure (P-7553)
- 89 Ill. Adm. Code 352 Financial Responsibility of Parents or Guardians of the Estates of Children (P-13229/91; A-3924)
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## TYPE OF RULEMAKING

SAI-1



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| 5375.Ap.A            | am | (A-7497)                | n | 550.10               | n | (P-5097; A-11744)       | n |
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| 100.50               | n  | (P-3444; A-8559)        | n | 575.30               | n | (P-7083; A-14621)       | n |
| 100.60               | n  | (P-3444; A-8559)        | n | 575.40               | n | (P-7083; A-14621)       | n |
| 100.70               | n  | (P-3444; A-8559)        | n | 575.50               | n | (P-7083; A-14621)       | n |
| 100.80               | n  | (P-3444; A-8559)        | n | 575.60               | n | (P-7083; A-14621)       | n |
| 100.90               | n  | (P-3444; A-8559)        | n | 575.70               | n | (P-7083; A-14621)       | n |
| 101.00               | n  | (P-3444; A-8559)        | n | 575.80               | n | (P-7083; A-14621)       | n |
| 101.10               | n  | (P-3444; A-8559)        | n | 575.90               | n | (P-7083; A-14621)       | n |
| 101.20               | n  | (P-3444; A-8559)        | n | 576.00               | n | (P-7083; A-14621)       | n |
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| 101.90               | n  | (P-3444; A-8559)        | n | 576.70               | n | (P-7083; A-14621)       | n |
| 102.00               | n  | (P-3444; A-8559)        | n | 576.80               | n | (P-7083; A-14621)       | n |
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| 102.80               | n  | (P-3444; A-8559)        | n | 577.60               | n | (P-7083; A-14621)       | n |
| 102.90               | n  | (P-3444; A-8559)        | n | 577.70               | n | (P-7083; A-14621)       | n |
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| 103.10               | n  | (P-3444; A-8559)        | n | 577.90               | n | (P-7083; A-14621)       | n |
| 103.20               | n  | (P-3444; A-8559)        | n | 578.00               | n | (P-7083; A-14621)       | n |
| 103.30               | n  | (P-3444; A-8559)        | n | 578.10               | n | (P-7083; A-14621)       | n |
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| 104.00               | n  | (P-3444; A-8559)        | n | 578.80               | n | (P-7083; A-14621)       | n |
| 104.10               | n  | (P-3444; A-8559)        | n | 578.90               | n | (P-7083; A-14621)       | n |
| 104.20               | n  | (P-3444; A-8559)        | n | 579.00               | n | (P-7083; A-14621)       | n |
| 104.30               | n  | (P-3444; A-8559)        | n | 579.10               | n | (P-7083; A-14621)       | n |
| 104.40               | n  | (P-3444; A-8559)        | n | 579.20               | n | (P-7083; A-14621)       | n |
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| 105.10               | n  | (P-3444; A-8559)        | n | 579.90               | n | (P-7083; A-14621)       | n |
| 105.20               | n  | (P-3444; A-8559)        | n | 580.00               | n | (P-7083; A-14621)       | n |
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| 106.20               | n  | (P-3444; A-8559)        | n | 581.00               | n | (P-7083; A-14621)       | n |
| 106.30               | n  | (P-3444; A-8559)        | n | 581.10               | n | (P-7083; A-14621)       | n |
| 106.40               | n  | (P-3444; A-8559)        | n | 581.20               | n | (P-7083; A-14621)       | n |
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| 106.70               | n  | (P-3444; A-8559)        | n | 581.50               | n | (P-7083; A-14621)       | n |
| 106.80               | n  | (P-3444; A-8559)        | n | 581.60               | n | (P-7083; A-14621)       | n |
| 106.90               | n  | (P-3444; A-8559)        | n | 581.70               | n | (P-7083; A-14621)       | n |
| 107.00               | n  | (P-3444; A-8559)        | n | 581.80               | n | (P-7083; A-14621)       | n |
| 107.10               | n  | (P-3444; A-8559)        | n | 581.90               | n | (P-7083; A-14621)       | n |
| 107.20               | n  | (P-3444; A-8559)        | n | 582.00               | n | (P-7083; A-14621)       | n |
| 107.30               | n  | (P-3444; A-8559)        | n | 582.10               | n | (P-7083; A-14621)       | n |
| 107.40               | n  | (P-3444; A-8559)        | n | 582.20               | n | (P-7083; A-14621)       | n |
| 107.50               | n  | (P-3444; A-8559)        | n | 582.30               | n | (P-7083; A-14621)       | n |
| 107.60               | n  | (P-3444; A-8559)        | n | 582.40               | n | (P-7083; A-14621)       | n |
| 107.70               | n  | (P-3444; A-8559)        | n | 582.50               | n | (P-7083; A-14621)       | n |
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| 107.90               | n  | (P-3444; A-8559)        | n | 582.70               | n | (P-7083; A-14621)       | n |
| 108.00               | n  | (P-3444; A-8559)        | n | 582.80               | n | (P-7083; A-14621)       | n |
| 108.10               | n  | (P-3444; A-8559)        | n | 582.90               | n | (P-7083; A-14621)       | n |
| 108.20               | n  | (P-3444; A-8559)        | n | 583.00               | n | (P-7083; A-14621)       | n |
| 108.30               | n  | (P-3444; A-8559)        | n | 583.10               | n | (P-7083; A-14621)       | n |
| 108.40               | n  | (P-3444; A-8559)        | n | 583.20               | n | (P-7083; A-14621)       | n |
| 108.50               | n  | (P-3444; A-8559)        | n | 583.30               | n | (P-7083; A-14621)       | n |
| 108.60               | n  | (P-3444; A-8559)        | n | 583.40               | n | (P-7083; A-14621)       | n |
| 108.70               | n  | (P-3444; A-8559)        | n | 583.50               | n | (P-7083; A-14621)       | n |
| 108.80               | n  | (P-3444; A-8559)        | n | 583.60               | n | (P-7083; A-14621)       | n |
| 108.90               | n  | (P-3444; A-8559)        | n | 583.70               | n | (P-7083; A-14621)       | n |
| 109.00               | n  | (P-3444; A-8559)        | n | 583.80               | n | (P-7083; A-14621)       | n |
| 109.10               | n  | (P-3444; A-8559)        | n | 583.90               | n | (P-7083; A-14621)       | n |
| 109.20               | n  | (P-3444; A-8559)        | n | 584.00               | n | (P-7083; A-14621)       | n |
| 109.30               | n  | (P-3444; A-8559)        | n | 584.10               | n | (P-7083; A-14621)       | n |
| 109.40               | n  | (P-3444; A-8559)        | n | 584.20               | n | (P-7083; A-14621)       | n |
| 109.50               | n  | (P-3444; A-8559)        | n | 584.30               | n | (P-7083; A-14621)       | n |
| 109.60               | n  | (P-3444; A-8559)        | n | 584.40               | n | (P-7083; A-14621)       | n |
| 109.70               | n  | (P-3444; A-8559)        | n | 584.50               | n | (P-7083; A-14621)       | n |
| 109.80               | n  | (P-3444; A-8559)        | n | 584.60               | n | (P-7083; A-14621)       | n |
| 109.90               | n  | (P-3444; A-8559)        | n | 584.70               | n | (P-7083; A-14621)       | n |
| 110.00               | n  | (P-3444; A-8559)        | n | 584.80               | n | (P-7083; A-14621)       | n |
| 110.10               | n  | (P-3444; A-8559)        | n | 584.90               | n | (P-7083; A-14621)       | n |
| 110.20               | n  | (P-3444; A-8559)        | n | 585.00               | n | (P-7083; A-14621)       | n |
| 110.30               | n  | (P-3444; A-8559)        | n | 585.10               | n | (P-7083; A-14621)       | n |
| 110.40               | n  | (P-3444; A-8559)        | n | 585.20               | n | (P-7083; A-14621)       | n |
| 110.50               | n  | (P-3444; A-8559)        | n | 585.30               | n | (P-7083; A-14621)       | n |
| 110.60               | n  | (P-3444; A-8559)        | n | 585.40               | n | (P-7083; A-14621)       | n |
| 110.70               | n  | (P-3444; A-8559)        | n | 585.50               | n | (P-7083; A-14621)       | n |
| 110.80               | n  | (P-3444; A-8559)        | n | 585.60               | n | (P-7083; A-14621)       | n |
| 110.90               | n  | (P-3444; A-8559)        | n | 585.70               | n | (P-7083; A-14621)       | n |
| 111.00               | n  | (P-3444; A-8559)        | n | 585.80               | n | (P-7083; A-14621)       | n |
| 111.10               | n  | (P-3444; A-8559)        | n | 585.90               | n | (P-7083; A-14621)       | n |
| 111.20               | n  | (P-3444; A-8559)        | n | 586.00               | n | (P-7083; A-14621)       | n |
| 111.30               | n  | (P-3444; A-8559)        | n | 586.10               | n | (P-7083; A-14621)       | n |
| 111.40               | n  | (P-3444; A-8559)        | n | 586.20               | n | (P-7083; A-14621)       | n |
| 111.50               | n  | (P-3444; A-8559)        | n | 586.30               | n | (P-7083; A-14621)       | n |
| 111.60               | n  | (P-3444; A-8559)        | n | 586.40               | n | (P-7083; A-14621)       | n |
| 111.70               | n  | (P-3444; A-8559)        | n | 586.50               | n | (P-7083; A-14621)       | n |
| 111.80               | n  | (P-3444; A-8559)        | n | 586.60               | n | (P-7083; A-14621)       | n |
| 111.90               | n  | (P-3444; A-8559)        | n | 586.70               | n | (P-7083; A-14621)       | n |
| 112.00               | n  | (P-3444; A-8559)        | n | 586.80               | n | (P-7083; A-14621)       | n |
| 112.10               | n  | (P-3444; A-8559)        | n | 586.90               | n | (P-7083; A-14621)       | n |
| 112.20               | n  | (P-3444; A-8559)        | n | 587.00               | n | (P-7083; A-14621)       | n |
| 112.30               | n  | (P-3444; A-8559)        | n | 587.10               | n | (P-7083; A-14621)       | n |
| 112.40               | n  | (P-3444; A-8559)        | n | 587.20               | n | (P-7083; A-14621)       | n |
| 112.50               | n  | (P-3444; A-8559)        | n | 587.30               | n | (P-7083; A-14621)       | n |
| 112.60               | n  | (P-3444; A-8559)        | n | 587.40               | n | (P-7083; A-14621)       | n |
| 112.70               | n  | (P-3444; A-8559)        | n | 587.50               | n | (P-7083; A-14621)       | n |
| 112.80               | n  | (P-3444; A-8559)        | n | 587.60               | n | (P-7083; A-14621)       | n |
| 112.90               | n  | (P-3444; A-8559)        | n | 587.70               | n | (P-7083; A-14621)       | n |
| 113.00               | n  | (P-3444; A-8559)        | n | 587.80               | n | (P-7083; A-14621)       | n |
| 113.10               | n  | (P-3444; A-8559)        | n | 587.90               | n | (P-7083; A-14621)       | n |
| 113.20               | n  | (P-3444; A-8559)        | n | 588.00               | n | (P-7083; A-14621)       | n |
| 113.30               | n  | (P-3444; A-8559)        | n | 588.10               | n | (P-7083; A-14621)       | n |
| 113.40               | n  | (P-3444; A-8559)        | n | 588.20               | n | (P-7083; A-14621)       | n |
| 113.50               | n  | (P-3444; A-8559)        | n | 588.30               | n | (P-7083; A-14621)       | n |
| 113.60               | n  | (P-3444; A-8559)        | n | 588.40               | n | (P-7083; A-14621)       | n |
| 113.70               | n  | (P-3444; A-8559)        | n | 588.50               | n | (P-7083; A-14621)       | n |
| 113.80               | n  | (P-3444; A-8559)        | n | 588.60               | n | (P-7083; A-14621)       | n |
| 113.90               | n  | (P-3444; A-8559)        | n | 588.70               | n | (P-7083; A-14621)       | n |
| 114.00               | n  | (P-3444; A-8559)        | n | 588.80               | n | (P-7083; A-14621)       | n |
| 114.10               | n  | (P-3444; A-8559)        | n | 588.90               | n | (P-7083; A-14621)       | n |
| 114.20               | n  |                         |   |                      |   |                         |   |







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|------------------|----|-------------------|----|
| 256.30           | n  | 422.10            | am |
| 256.40           | n  | 422.70            | am |
| 256.50           | n  | 422.90            | am |
| 256.60           | n  | 422.100           | am |
| 256.70           | n  | 422.110           | am |
| 256.80           | n  | 422.120           | am |
| 256.90           | n  | 422.130           | am |
| 305.10           | n  | 422.140           | am |
| 305.20           | n  | 422.150           | am |
| 305.30           | n  | 422.160           | am |
| 305.40           | n  | 422.170           | am |
| 305.50           | n  | 422.180           | am |
| 305.60           | n  | 422.190           | am |
| 305.70           | n  | 422.200           | am |
| 1400.147         | am | 422.210           | am |
| 1400.149         | am | 422.220           | am |
| TITLE 11         |    | 422.230           | am |
| 205.10           | n  | 422.240           | am |
| 205.20           | n  | 422.250           | am |
| 205.30           | n  | 422.260           | am |
| 205.40           | n  | 422.270           | am |
| 205.50           | n  | 422.280           | am |
| 205.60           | n  | 422.290           | am |
| 205.70           | n  | 422.300           | am |
| 205.80           | n  | 422.310           | am |
| 205.90           | n  | 422.320           | am |
| 205.100          | n  | 422.330           | am |
| 205.110          | n  | 422.340           | am |
| 405.90           | am | 422.350           | am |
| 415.60           | n  | 422.360           | am |
| 416.10           | r  | 422.370           | am |
| 416.20           | r  | 422.380           | am |
| 416.30           | r  | 422.390           | am |
| 416.40           | r  | 422.400           | am |
| 416.50           | r  | 422.410           | am |
| 416.60           | r  | 422.420           | am |
| 416.70           | r  | 422.430           | am |
| 416.80           | r  | 422.440           | am |
| 416.90           | r  | 422.450           | am |
| 417.10           | r  | 422.460           | am |
| 417.20           | r  | 422.470           | am |
| 417.30           | r  | 422.480           | am |
| 417.40           | r  | 422.490           | am |
| 417.50           | r  | 422.500           | am |
| 417.60           | r  | 422.510           | am |
| 417.70           | r  | 422.520           | am |
| 417.80           | r  | 422.530           | am |
| 417.90           | r  | 422.540           | am |

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|------------------|----|-------------------|----|
| 256.30           | n  | 422.10            | am |
| 256.40           | n  | 422.70            | am |
| 256.50           | n  | 422.90            | am |
| 256.60           | n  | 422.100           | am |
| 256.70           | n  | 422.110           | am |
| 256.80           | n  | 422.120           | am |
| 256.90           | n  | 422.130           | am |
| 305.10           | n  | 422.140           | am |
| 305.20           | n  | 422.150           | am |
| 305.30           | n  | 422.160           | am |
| 305.40           | n  | 422.170           | am |
| 305.50           | n  | 422.180           | am |
| 305.60           | n  | 422.190           | am |
| 305.70           | n  | 422.200           | am |
| 1400.147         | am | 422.210           | am |
| 1400.149         | am | 422.220           | am |
| TITLE 11         |    | 422.230           | am |
| 205.10           | n  | 422.240           | am |
| 205.20           | n  | 422.250           | am |
| 205.30           | n  | 422.260           | am |
| 205.40           | n  | 422.270           | am |
| 205.50           | n  | 422.280           | am |
| 205.60           | n  | 422.290           | am |
| 205.70           | n  | 422.300           | am |
| 205.80           | n  | 422.310           | am |
| 205.90           | n  | 422.320           | am |
| 205.100          | n  | 422.330           | am |
| 205.110          | n  | 422.340           | am |
| 405.90           | am | 422.350           | am |
| 415.60           | n  | 422.360           | am |
| 416.10           | r  | 422.370           | am |
| 416.20           | r  | 422.380           | am |
| 416.30           | r  | 422.390           | am |
| 416.40           | r  | 422.400           | am |
| 416.50           | r  | 422.410           | am |
| 416.60           | r  | 422.420           | am |
| 416.70           | r  | 422.430           | am |
| 416.80           | r  | 422.440           | am |
| 416.90           | r  | 422.450           | am |
| 417.10           | r  | 422.460           | am |
| 417.20           | r  | 422.470           | am |
| 417.30           | r  | 422.480           | am |
| 417.40           | r  | 422.490           | am |
| 417.50           | r  | 422.500           | am |
| 417.60           | r  | 422.510           | am |
| 417.70           | r  | 422.520           | am |
| 417.80           | r  | 422.530           | am |
| 417.90           | r  | 422.540           | am |

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| TITLE 14 (CONT'D) |    | 530.110  | am | (P-7161; A-12470)<br>(P-12280) |
|-------------------|----|----------|----|--------------------------------|
| 1230.510          | n  | 530.115  | n  | (P-7161; A-12470)              |
| 1230.520          | n  | 530.120  | am | (P-7161; A-12470)              |
| 1230.530          | n  | 550.20   | am | (P-5454; A-11078)              |
| 1230.540          | n  | 550.30   | am | (P-5454; A-11078)              |
| TITLE 17          |    |          |    |                                |
| 110.4             | n  | 570.20   | am | (P-5443; A-11069)              |
|                   |    | 570.30   | am | (P-5443; A-11069)              |
|                   |    | 570.40   | am | (P-5443; A-11069)              |
|                   |    | 590.10   | am | (P-14157/91; A-570)            |
|                   |    | 590.20   | am | (P-7189; A-12491)              |
|                   |    | 590.25   | am | (P-7189; A-12491)              |
|                   |    | 590.26   | n  | (P-7189; A-12491)              |
|                   |    | 590.30   | am | (P-7189; A-12491)              |
|                   |    | 590.50   | am | (P-7189; A-12491)              |
|                   |    | 590.60   | am | (P-14157/91; A-570)            |
|                   |    | 620.10   | n  | (P-7189; A-12491)              |
|                   |    | 620.20   | n  | (P-12302)                      |
|                   |    | 620.30   | n  | (P-12302)                      |
|                   |    | 620.40   | n  | (P-12302)                      |
|                   |    | 620.50   | n  | (P-12302)                      |
|                   |    | 620.Ex.A | n  | (P-12302)                      |
| 130.70            | am | 650.10   | am | (P-5501; A-11131)              |
| 130.120           | am | 650.20   | am | (P-5501; A-11131)              |
| 130.130           | am | 650.21   | am | (P-5501; A-11131)              |
|                   |    | 650.22   | am | (P-5501; A-11131)              |
|                   |    | 650.23   | am | (P-5501; A-11131)              |
| 130.135           | am | 650.40   | am | (P-5501; A-11131)              |
| 150.10            | am | 650.50   | am | (P-5501; A-11131)              |
| 150.20            | am | 650.60   | am | (P-5501; A-11131)              |
| 150.30            | am | 660.10   | am | (P-5525; A-11150)              |
| 150.40            | am | 660.20   | am | (P-5525; A-11150)              |
| 220.60            | am | 660.21   | am | (P-5525; A-11150)              |
| 510.10            | am | 660.25   | am | (P-5525; A-11150)              |
| 525.30            | am | 660.30   | am | (P-5525; A-11150)              |
| 530.10            | am | 660.40   | am | (P-5525; A-11150)              |
| 530.20            | am | 660.45   | am | (P-5525; A-11150)              |
| 530.70            | am | 660.50   | am | (P-5525; A-11150)              |
|                   |    | 660.60   | am | (P-5525; A-11150)              |
| 530.80            | am | 670.10   | am | (P-5482; A-11116)<br>(P-15265) |
| 530.90            | am | 670.20   | am | (P-5482; A-11116)              |
|                   |    | 670.30   | am | (P-5482; A-11116)              |
| 530.100           | am | 670.40   | am | (P-5482; A-11116)              |
|                   |    | 670.50   | am | (P-5482; A-11116)              |
| 530.105           | am | 670.60   | am | (P-5482; A-11116)              |
|                   |    | 680.10   | am | (P-10138; A-15446)             |

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|-------------------|----|-----------|----|----------------------|
| 680.20            | am | 890.50    | n  | (P-17811/91; A-5262) |
| 680.60            | am | 950.20    | am | (P-5429; A-11034)    |
| 680.70            | am | 950.40    | am | (P-5429; A-11034)    |
| 680.80            | am | 960.30    | am | (P-5433; A-11038)    |
| 690.20            | am | 970.10    | r  | (P-2727; R-8497)     |
| 690.30            | am | 970.20    | r  | (P-2727; R-8497)     |
| 710.10            | am | 970.30    | r  | (P-2727; R-8497)     |
| 710.20            | am | 970.40    | r  | (P-2727; R-8497)     |
| 710.21            | n  | 970.50    | r  | (P-2727; R-8497)     |
| 710.30            | am | 970.60    | r  | (P-2727; R-8497)     |
| 710.50            | am | 1110.30   | am | (P-13594/91; A-103)  |
| 715.10            | am | 1530.30   | am | (P-2972; A-8489)     |
| 715.20            | am | 1530.50   | am | (P-2972; A-8489)     |
| 715.40            | am | 1530.60   | am | (P-2972; A-8489)     |
| 720.10            | am | 1530.Ex.A | n  | (P-2972; A-8489)     |
|                   |    | 1530.Ex.B | n  | (P-2972; A-8489)     |
| 720.20            | am | 1535.1    | n  | (P-2979; A-8499)     |
| 720.30            | am | 1535.5    | am | (P-2979; A-8499)     |
|                   |    | 1535.50   | am | (P-2979; A-8499)     |
| 720.40            | am | 1538.5    | n  | (P-755; W-4555)      |
|                   |    |           | n  | (P-4148; A-11108)    |
| 730.20            | am | 1538.10   | n  | (P-755; W-4555)      |
| 730.30            | am |           | n  | (P-4148; A-11108)    |
| 740.10            | am | 1538.20   | n  | (P-755; W-4555)      |
| 740.20            | am |           | n  | (P-4148; A-11108)    |
| 810.35            | am | 1538.30   | n  | (P-755; W-4555)      |
| 810.37            | am |           | n  | (P-4148; A-11108)    |
| 810.45            | am | 1538.40   | n  | (P-755; W-4555)      |
|                   |    |           | n  | (P-4148; A-11108)    |
|                   |    | 1538.50   | n  | (P-755; W-4555)      |
|                   |    |           | n  | (P-4148; A-11108)    |
| 810.60            | am | 1538.60   | n  | (P-755; W-4555)      |
| 810.70            | am |           | n  | (P-4148; A-11108)    |
| 810.90            | am | 1538.70   | n  | (P-755; W-4555)      |
| 830.60            | am |           | n  | (P-4148; A-11108)    |
| 830.70            | am | 1538.80   | n  | (P-755; W-4555)      |
| 830.90            | am |           | n  | (P-4148; A-11108)    |
| 850.10            | am | 1590.50   | am | (P-4148; A-11108)    |
| 850.20            | am | 1590.60   | am | (P-4132; A-11052)    |
|                   |    | 1590.70   | am | (P-4132; A-11052)    |
| 850.30            | am | 1590.80   | am | (P-4132; A-11052)    |
| 850.40            | am | 1590.90   | am | (P-4132; A-11052)    |
| 880.10            | n  | 1590.100  | am | (P-4132; A-11052)    |
| 880.20            | n  | 1590.110  | am | (P-4132; A-11052)    |
| 880.30            | n  | 1590.120  | am | (P-4132; A-11052)    |
| 880.40            | n  | 2030.15   | am | (P-2302; A-8483)     |
| 880.50            | n  | 2030.20   | am | (P-2302; A-8483)     |
| 890.10            | n  | 2520.50   | am | (P-2297; A-8479)     |
| 890.20            | n  | 3010.40   | am | (P-14794/91; A-1806) |
| 890.30            | n  | 3010.50   | am | (P-14794/91; A-1806) |



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| TITLE 20 |    | TITLE 20             |  |
|----------|----|----------------------|--|
| 3010.70  | am | (P-14794/91; A-1806) |  |
| 3010.80  | am | (P-14794/91; A-1806) |  |
| 3020.20  | am | (P-14820/91; A-1833) |  |
| 3020.40  | am | (P-14820/91; A-1833) |  |
| 3020.50  | am | (P-14820/91; A-1833) |  |
| 3020.70  | am | (P-14820/91; A-1833) |  |
| 3020.80  | am | (P-14820/91; A-1833) |  |
| 3030.30  | am | (P-14807/91; A-1816) |  |
| 3030.50  | am | (P-14807/91; A-1816) |  |
| 3030.60  | am | (P-14807/91; A-1816) |  |
| 3035.40  | am | (P-14783/91; A-1797) |  |
| 3035.70  | am | (P-14783/91; A-1797) |  |
| 3035.80  | am | (P-14783/91; A-1797) |  |
| 4170.100 | n  | (P-5576)             |  |
|          | n  | (P-209/91; A-14200)  |  |
| 4170.110 | n  | (P-5576)             |  |
|          | n  | (P-209/91; A-14200)  |  |
| 4170.120 | n  | (P-5576)             |  |
| 4170.130 | n  | (P-5576)             |  |
| 4170.200 | n  | (P-5576)             |  |
|          | n  | (P-209/91; A-14200)  |  |
| 4170.210 | n  | (P-209/91; A-14200)  |  |
| 4170.250 | n  | (P-5576)             |  |
| 4170.300 | n  | (P-5576)             |  |
|          | n  | (P-209/91; A-14200)  |  |
| 4170.310 | n  | (P-209/91; A-14200)  |  |
| 4170.320 | n  | (P-209/91; A-14200)  |  |
| 4170.330 | n  | (P-209/91; A-14200)  |  |
| 4170.340 | n  | (P-209/91; A-14200)  |  |
| 4170.400 | n  | (P-5576)             |  |
|          | n  | (P-209/91; A-14200)  |  |
| 4170.410 | n  | (P-209/91; A-14200)  |  |
| 4170.420 | n  | (P-209/91; A-14200)  |  |
| 4170.430 | n  | (P-209/91; A-14200)  |  |
| 4170.440 | n  | (P-209/91; A-14200)  |  |
| 4170.500 | n  | (P-5576)             |  |
|          | n  | (P-209/91; A-14200)  |  |
| 4170.550 | n  | (P-5576)             |  |
| 4170.600 | n  | (P-5576)             |  |
|          | n  | (P-209/91; A-14200)  |  |
| 4170.610 | n  | (P-209/91; A-14200)  |  |
| 4170.620 | n  | (P-209/91; A-14200)  |  |
| 4170.630 | n  | (P-209/91; A-14200)  |  |
| 4170.640 | n  | (P-209/91; A-14200)  |  |
| 4170.650 | n  | (P-209/91; A-14200)  |  |
| 4170.700 | n  | (P-5576)             |  |
|          | n  | (P-209/91; A-14200)  |  |
| 4170.710 | n  | (P-209/91; A-14200)  |  |
| 4170.720 | n  | (P-209/91; A-14200)  |  |
| 4170.800 | n  | (P-5576)             |  |

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TITLE 20 (CONT'D)

|          |    |                      |           |    |                   |
|----------|----|----------------------|-----------|----|-------------------|
| 1235.80  | n  | (E-17785/91; O-1746) | 1810.500  | n  | (P-469) (E-732)   |
| 1235.90  | n  | (E-17566/91; A-7041) | 1810.510  | n  | (P-469) (E-732)   |
|          |    | (E-17785/91; O-1746) | 1810.520  | n  | (P-469) (E-732)   |
| 1235.100 | n  | (P-17566/91; A-7041) | 1810.530  | n  | (P-469) (E-732)   |
|          |    | (E-17785/91; O-1746) | 1810.540  | n  | (P-469) (E-732)   |
| 1235.110 | n  | (P-17566/91; A-7041) | 1810.550  | n  | (P-469) (E-732)   |
|          |    | (E-17785/91; O-1746) | 1810.600  | n  | (P-469) (E-732)   |
| 1235.120 | n  | (P-17566/91; A-7041) | 1810.610  | n  | (P-469) (E-732)   |
|          |    | (E-17785/91; O-1746) | 1810.620  | n  | (P-469) (E-732)   |
| 1235.130 | n  | (P-17566/91; A-7041) | 1810.700  | n  | (P-469) (E-732)   |
|          |    | (E-17785/91; O-1746) | 1810.710  | n  | (P-469) (E-732)   |
| 1285.10  | n  | (P-17566/91; A-7041) | 1810.720  | n  | (P-469) (E-732)   |
|          |    | (P-3840; A-12595)    | 1810.730  | n  | (P-469) (E-732)   |
| 1285.20  | n  | (P-3840; A-12595)    | 1810.800  | n  | (P-469) (E-732)   |
| 1285.30  | n  | (P-3840; A-12595)    | 1810.900  | n  | (P-469) (E-732)   |
| 1285.40  | n  | (P-3840; A-12595)    | 1810.910  | n  | (P-469) (E-732)   |
| 1285.50  | n  | (P-3840; A-12595)    | 1810.1000 | n  | (P-469) (E-732)   |
| 1285.60  | n  | (P-3840; A-12595)    | 1810.1010 | n  | (P-469) (E-732)   |
| 1285.70  | n  | (P-3840; A-12595)    | 1810.1020 | n  | (P-469) (E-732)   |
| 1285.80  | n  | (P-3840; A-12595)    | 1810.1100 | n  | (P-469) (E-732)   |
| 1570.10  | n  | (P-2732)             | 1810.1110 | n  | (P-469) (E-732)   |
| 1570.20  | n  | (P-2732)             |           |    |                   |
| 1570.30  | n  | (P-2732)             |           |    |                   |
| 1570.40  | n  | (P-2732)             |           |    |                   |
| 1570.50  | n  | (P-2732)             |           |    |                   |
| 1570.60  | n  | (P-2732)             |           |    |                   |
| 1580.10  | n  | (P-1948)             |           |    |                   |
| 1580.20  | n  | (P-1948)             |           |    |                   |
| 1580.30  | n  | (P-1948)             |           |    |                   |
| 1580.40  | n  | (P-1948)             |           |    |                   |
| 1580.50  | n  | (P-1948)             |           |    |                   |
| 1720.15  | am | (P-15251/91; A-4002) |           |    |                   |
| 1720.35  | n  | (E-727) (P-7756)     |           |    |                   |
| 1800.10  | n  | (P-10)               | 25.220    | am | (P-9234)          |
| 1800.20  | n  | (P-10)               | 120.10    | am | (P-9234)          |
| 1800.30  | n  | (P-10)               | 120.30    | am | (P-1452; A-10213) |
| 1800.40  | n  | (P-10)               | 120.40    | am | (P-1452; A-10213) |
| 1810.100 | n  | (P-469) (E-732)      | 120.50    | am | (P-1452; A-10213) |
| 1810.110 | n  | (P-469) (E-732)      | 120.60    | am | (P-1452; A-10213) |
| 1810.200 | n  | (P-469) (E-732)      | 120.90    | am | (P-1452; A-10213) |
| 1810.210 | n  | (P-469) (E-732)      | 130.10    | am | (P-1439; A-9475)  |
| 1810.220 | n  | (P-469) (E-732)      | 130.20    | am | (P-1439; A-9475)  |
| 1810.230 | n  | (P-469) (E-732)      | 130.30    | am | (P-1439; A-9475)  |
| 1810.240 | n  | (P-469) (E-732)      | 130.45    | n  | (P-1439; A-9475)  |
| 1810.250 | n  | (P-469) (E-732)      | 130.50    | am | (P-1439; A-9475)  |
| 1810.300 | n  | (P-469) (E-732)      | 202.10    | am | (P-7231)          |
| 1810.400 | n  | (P-469)              | 202.20    | am | (P-7231)          |
| 1810.410 | n  | (P-469) (E-732)      | 202.30    | am | (P-7231)          |
| 1810.420 | n  | (P-469) (E-732)      | 202.40    | am | (P-7231)          |
| 1810.430 | n  | (P-469) (E-732)      | 202.44    | n  | (P-7231)          |



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| TITLE 23 (CONT'D)    |    | 1501.201                | r  | (P-18022/91; A-12445) |           |                             |                       |
| 202.46               | n  | (P-7231)                | n  | (P-18022/91; A-12445) | 2790.70   | am                          | (P-4431; A-11269)     |
| 202.50               | am | (P-7231)                | r  | (P-18022/91; A-12445) | 2790.80   | am                          | (P-4431; A-11269)     |
| 202.60               | am | (P-7231)                | n  | (P-18022/91; A-12445) | 2790.90   | am                          | (P-4431; A-11269)     |
| 226.605              | am | (P-3724)                | r  | (P-18022/91; A-12445) | 2790.100  | am                          | (P-4431; A-11269)     |
| 226.640              | am | (P-3724)                | n  | (P-18022/91; A-12445) | 2790.110  | am                          | (P-4431; A-11269)     |
| 228.15               | n  | (P-9253)                | r  | (P-18022/91; A-12445) | 2790.120  | am                          | (P-4431; A-11269)     |
| 228.20               | am | (P-9253)                | n  | (P-18022/91; A-12445) | 2790.130  | am                          | (P-4431; A-11269)     |
| 228.25               | n  | (P-9253)                | r  | (P-18022/91; A-12445) | 2790.140  | am                          | (P-4431; A-11269)     |
| 228.30               | am | (P-9253)                | am | (P-18022/91; A-12445) | 2790.Ap.A | r                           | (P-4431; A-11269)     |
| 228.50               | am | (P-9253)                | am | (P-18022/91; A-12445) | 3030.50   | am                          | (P-15968/91; A-10329) |
| 235.10               | n  | (P-439; A-10181)        | am | (P-18022/91; A-12445) | 3040.160  | am                          | (P-7321; A-13084)     |
| 235.20               | n  | (RQ-12644)              | am | (P-10524)             | TITLE 26  |                             |                       |
| 235.30               | n  | (P-439; A-10181)        | am | (P-10524)             | 100.30    | r                           | (P-5939/91; A-6982)   |
| 235.40               | n  | (RQ-12644)              | n  | (P-18022/91; A-12445) | 125.425   | am                          | (P-5943/91; A-6986)   |
| 235.45               | n  | (P-439; A-10181)        | n  | (P-12274)             | TITLE 29  |                             |                       |
| 235.50               | n  | (P-439; A-10181)        | am | (P-18022/91; A-12445) | 205.10    | am                          | (P-5556)              |
| 235.60               | n  | (P-439; A-10181)        | am | (P-4368; A-11206)     | 205.20    | am                          | (P-5556)              |
| 235.100              | n  | (RQ-12644)              | am | (P-4368; A-11206)     | 205.30    | am                          | (P-5556)              |
| 235.110              | n  | (P-439; A-10181)        | am | (P-4368; A-11206)     | 205.40    | am                          | (P-5556)              |
| 235.120              | n  | (P-439; A-10181)        | am | (P-4368; A-11206)     | 700.1     | n                           | (P-17440/91; A-11170) |
| 235.130              | n  | (RQ-12644)              | am | (P-4368; A-11206)     | 700.5     | n                           | (P-17440/91; A-11170) |
| 235.135              | n  | (P-439; A-10181)        | am | (P-4386; A-11224)     | 700.10    | n                           | (P-17440/91; A-11170) |
| 235.140              | n  | (RQ-12644)              | am | (P-4386; A-11224)     | 700.15    | n                           | (P-17440/91; A-11170) |
| 235.150              | n  | (P-439; A-10181)        | am | (P-15026/91; A-4060)  | 700.20    | n                           | (P-17440/91; A-11170) |
| 260.40               | am | (P-5550; A-14196)       | am | (P-4386; A-11224)     | 700.25    | n                           | (P-17440/91; A-11170) |
| 1015.10              | n  | (P-14852/91; A-4496)    | am | (P-4386; A-11224)     | 700.30    | n                           | (P-17440/91; A-11170) |
| 1015.20              | n  | (P-14852/91; A-4496)    | am | (P-4386; A-11224)     | 700.35    | n                           | (P-17440/91; A-11170) |
| 1015.30              | n  | (P-14852/91; A-4496)    | am | (P-4386; A-11224)     | 700.45    | n                           | (P-17440/91; A-11170) |
| 1015.40              | n  | (P-14852/91; A-4496)    | am | (P-4386; A-11224)     | 700.50    | n                           | (P-17440/91; A-11170) |
| 1015.50              | n  | (P-14852/91; A-4496)    | am | (P-4386; A-11224)     | 700.55    | n                           | (P-17440/91; A-11170) |
| 1015.60              | n  | (P-14852/91; A-4496)    | am | (P-4386; A-11224)     | 700.60    | n                           | (P-17440/91; A-11170) |
| 1015.70              | n  | (P-14852/91; A-4496)    | am | (P-4386; A-11224)     | 700.65    | n                           | (P-17440/91; A-11170) |
| 1501.101             | am | (P-18022/91; A-12445)   | am | (P-4386; A-11224)     | TITLE 32  |                             |                       |
| 1501.111             | r  | (P-18022/91; A-12445)   | am | (P-4386; A-11224)     | 195       | (See 35 Ill. Adm. Code 183) |                       |
| 1501.112             | r  | (P-18022/91; A-12445)   | am | (P-4386; A-11224)     | 210.10    | n                           | (P-2003)              |
| 1501.114             | n  | (P-18022/91; A-12445)   | am | (P-4386; A-11224)     | 210.20    | n                           | (P-2003)              |
|                      |    |                         |    |                       | 210.30    | n                           | (P-2003)              |
|                      |    |                         |    |                       | 210.40    | n                           | (P-2003)              |
|                      |    |                         |    |                       | 210.50    | n                           | (P-2003)              |
|                      |    |                         |    |                       | 210.60    | n                           | (P-2003)              |
|                      |    |                         |    |                       | 210.70    | n                           | (P-2003)              |
|                      |    |                         |    |                       | 331.110   | am                          | (P-2984; A-11479)     |
|                      |    |                         |    |                       | 331.120   | am                          | (P-2984; A-11479)     |
|                      |    |                         |    |                       | 331.130   | am                          | (P-2984; A-11479)     |
|                      |    |                         |    |                       | 331.200   | am                          | (P-2984; A-11479)     |
|                      |    |                         |    |                       | 331.Ap.A  | r                           | (P-2984; A-11479)     |
|                      |    |                         |    |                       | 331.Tb.A  | r                           | (P-2984; A-11479)     |



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| TITLE 32 (CONT'D) |    |                    | 183.140 | am | (P-12017; W-12792)<br>(P-12659) |
|-------------------|----|--------------------|---------|----|---------------------------------|
| 331.Tb.B          | r  | (P-2984; A-11479)  |         |    |                                 |
| 331.Tb.C          | r  | (P-2984; A-11479)  | 183.145 | am | (P-12017; W-12792)<br>(P-12659) |
| 331.Ap.B          | am | (P-2984; A-11479)  |         |    |                                 |
| 331.Ap.C          | r  | (P-2984; A-11479)  | 183.150 | am | (P-12017; W-12792)<br>(P-12659) |
| 340.4010          | am | (P-2746; A-11538)  |         |    |                                 |
| 400.120           | am | (P-2739; A-11531)  | 183.160 | am | (P-12017; W-12792)<br>(P-12659) |
| 400.140           | am | (P-2739; A-11531)  |         |    |                                 |
| 400.150           | am | (P-2739; A-11531)  | 183.170 | r  | (P-12017; W-12792)<br>(P-12659) |
| 400.160           | am | (P-2739; A-11531)  |         |    |                                 |
| 401.70            | am | (P-1474; A-9115)   | 183.210 | am | (P-12017; W-12792)<br>(P-12659) |
| 401.110           | am | (P-1474; A-9115)   |         |    |                                 |
| 401.130           | am | (P-1474; A-9115)   | 183.215 | am | (P-12017; W-12792)<br>(P-12659) |
| 401.140           | am | (P-1474; A-9115)   |         |    |                                 |
| 401.150           | am | (P-1474; A-9115)   | 183.220 | am | (P-12017; W-12792)<br>(P-12659) |
| 401.160           | n  | (P-1474; A-9115)   |         |    |                                 |
| 401.Ap.B          | am | (P-1474; A-9115)   | 183.225 | am | (P-12017; W-12792)<br>(P-12659) |
| 401.Ap.C          | n  | (P-1474; A-9115)   |         |    |                                 |
| 504.10            | n  | (P-4163; A-11544)  | 183.230 | am | (P-12017; W-12792)<br>(P-12659) |
| 504.20            | n  | (P-4163; A-11544)  |         |    |                                 |
| 504.30            | n  | (P-4163; A-11544)  | 183.231 | n  | (P-12017; W-12792)<br>(P-12659) |
| 504.40            | n  | (P-4163; A-11544)  |         |    |                                 |
| 504.50            | n  | (P-4163; A-11544)  | 183.235 | am | (P-12017; W-12792)<br>(P-12659) |
| 504.60            | n  | (P-4163; A-11544)  |         |    |                                 |
| 504.70            | n  | (P-4163; A-11544)  | 183.235 | am | (P-12017; W-12792)<br>(P-12659) |
| TITLE 35          |    |                    | 183.240 | am | (P-12017; W-12792)<br>(P-12659) |
| 101.101           | am | (P-10387)          |         |    |                                 |
| 101.103           | am | (P-10387)          | 183.245 | am | (P-12017; W-12792)<br>(P-12659) |
| 183.105           | am | (P-12017; W-12792) |         |    |                                 |
|                   |    | (P-12659)          | 183.250 | am | (P-12017; W-12792)<br>(P-12659) |
| 183.110           | am | (P-12017; W-12792) |         |    |                                 |
|                   |    | (P-12659)          | 183.255 | am | (P-12017; W-12792)<br>(P-12659) |
| 183.115           | am | (P-12017; W-12792) |         |    |                                 |
| 183.120           | am | (P-12017; W-12792) | 183.310 | am | (P-12017; W-12792)<br>(P-12659) |
|                   |    | (P-12659)          | 183.315 | am | (P-12017; W-12792)<br>(P-12659) |
| 183.125           | am | (P-12017; W-12792) |         |    |                                 |
| 183.130           | am | (P-12017; W-12792) | 183.320 | am | (P-12017; W-12792)<br>(P-12659) |
|                   |    | (P-12659)          | 183.325 | am | (P-12017; W-12792)<br>(P-12659) |
| 183.131           | n  | (P-12017; W-12792) |         |    |                                 |
| 183.132           | n  | (P-12017; W-12792) | 183.330 | am | (P-12017; W-12792)<br>(P-12659) |
|                   |    | (P-12659)          | 183.335 | am | (P-12017; W-12792)<br>(P-12659) |
| 183.133           | n  | (P-12017; W-12792) |         |    |                                 |
| 183.134           | n  | (P-12017; W-12792) | 183.340 | am | (P-12017; W-12792)<br>(P-12659) |
|                   |    | (P-12659)          | 183.345 | am | (P-12017; W-12792)<br>(P-12659) |
| 183.135           | am | (P-12017; W-12792) |         |    |                                 |

[illegible]







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| 615.403              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.403                 | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.464          | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.722              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.210                 | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592)  |                  |   |   |
| 615.404              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.501                 | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.501          | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.723              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.211                 | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592)  |                  |   |   |
| 615.421              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.502                 | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.502          | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.724              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.301                 | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592)  |                  |   |   |
| 615.422              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.601                 | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.601          | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.101              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.302                 | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592)  |                  |   |   |
| 615.423              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.602                 | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.602          | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.102              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.303                 | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592)  |                  |   |   |
| 615.424              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.603                 | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.603          | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.104              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.304                 | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592)  |                  |   |   |
| 615.425              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.604                 | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.604          | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.105              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.305                 | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592)  |                  |   |   |
| 615.441              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.621                 | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.621          | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.201              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.306                 | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592)  |                  |   |   |
| 615.442              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.622                 | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.622          | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.202              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.307                 | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592)  |                  |   |   |
| 615.443              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.623                 | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.623          | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.203              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.401                 | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592)  |                  |   |   |
| 615.444              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.624                 | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.624          | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.204              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.402                 | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592)  |                  |   |   |
| 615.445              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.701                 | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.701          | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.205              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.421                 | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592)  |                  |   |   |
| 615.446              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.702                 | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.702          | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.206              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.422                 | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592)  |                  |   |   |
| 615.447              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.703                 | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.703          | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.207              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.423                 | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592)  |                  |   |   |
| 615.461              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.704                 | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.704          | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.208              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.424                 | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592)  |                  |   |   |
| 615.462              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.705                 | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 615.705          | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.209              | n | (P-10303/91;<br>O-17791/91;<br>R-1702; A-1538) | 616.425                 | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592)  |                  |   |   |



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| 616.443           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.444           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.445           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.446           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.447           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.462           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.463           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.464           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.501           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.502           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.601           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.602           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.603           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.604           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.605           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.621           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.622           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.623           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.624           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.625           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.701           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.702           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.703           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.704           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.705           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.721           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.722           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.723           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.724           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 616.725           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
| 617.101           | n | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
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|                   |   | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
|                   |   | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
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|                   |   | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
|                   |   | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
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|                   |   | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
|                   |   | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
|                   |   | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
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|                   |   | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
|                   |   | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
|                   |   | (P-9836/91;<br>O-17793/91;<br>R-1723; A-1592) |
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|                   |    |   | 726.130  | r  | (P-1148; A-9858) |
|                   |    |   | 726.131  | r  | (P-1148; A-9858) |
| 620.450           | am | (P-7286; A-14667)                             | 726.132  | r  | (P-1148; A-9858) |
| 703.150           | am | (P-1058; A-9767)                              | 726.133  | r  | (P-1148; A-9858) |
| 703.155           | am | (P-1058; A-9767)                              | 726.134  | r  | (P-1148; A-9858) |
| 703.157           | am | (P-1058; A-9767)                              | 726.135  | r  | (P-1148; A-9858) |
| 703.208           | n  | (P-1058; A-9767)                              | 726.140  | am | (P-1148; A-9858) |
| 703.211           | am | (P-1058; A-9767)                              | 726.200  | n  | (P-1148; A-9858) |
| 703.232           | n  | (P-1058; A-9767)                              | 726.201  | n  | (P-1148; A-9858) |
| 703.280           | am | (P-1058; A-8767)                              | 726.202  | n  | (P-1148; A-9858) |
|                   |    |   | 726.203  | n  | (P-1148; A-9858) |
|                   |    |   | 726.204  | n  | (P-1148; A-9858) |
| 703.283           | am | (P-1058; A-8767)                              | 726.205  | n  | (P-1148; A-9858) |
|                   |    |   | 726.206  | n  | (P-1148; A-9858) |
| 703.Ap.A          | am | (P-1058; A-9767)                              | 726.207  | n  | (P-1148; A-9858) |
| 720.110           | am | (P-791; A-9489)                               | 726.208  | n  | (P-1148; A-9858) |
|                   |    |   | 726.209  | n  | (P-1148; A-9858) |
|                   |    |   | 726.210  | n  | (P-1148; A-9858) |
| 720.111           | am | (P-791; A-9489)                               | 726.211  | n  | (P-1148; A-9858) |
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| 721.102           | am | (P-820; A-9519)                               | 726.219  | n  | (P-1148; A-9858) |
| 721.103           | am | (P-820; A-9519)                               | 726.Ap.A | n  | (P-1148; A-9858) |
| 721.104           | am | (P-820; A-9519)                               | 726.Ap.B | n  | (P-1148; A-9858) |
| 721.106           | am | (P-820; A-9519)                               | 726.Ap.C | n  | (P-1148; A-9858) |
| 721.120           | am | (P-820; A-9519)                               | 726.Ap.D | n  | (P-1148; A-9858) |
| 721.122           | am | (P-9330)                                      | 726.Ap.E | n  | (P-1148; A-9858) |
| 721.131           | am | (P-820; A-9519)                               | 726.Ap.F | n  | (P-1148; A-9858) |
|                   |    |   | 726.Ap.G | n  | (P-1148; A-9858) |
| 721.132           | am | (P-15910/91; A-2600)                          | 726.Ap.H | n  | (P-1148; A-9858) |
| 721.Ap.I          | am | (P-9288/91; A-2155)                           | 726.Ap.I | n  | (P-1148; A-9858) |
| 721.Tb.A          | am | (P-9288/91; A-2155)                           | 726.Ap.J | n  | (P-1148; A-9858) |
| 721.Tb.B          | am | (P-9288/91; A-2155)                           | 726.Ap.K | n  | (P-1148; A-9858) |
| 721.Tb.D          | n  | (P-820; A-9519)                               | 726.Ap.L | n  | (P-1148; A-9858) |
| 722.110           | am | (P-1112; A-9822)                              | 726.Tb.A | n  | (P-1148; A-9858) |
| 722.134           | am | (P-1112; A-9822)                              | 728.107  | am | (P-916; A-9619)  |
| 722.153           | am | (P-9358)                                      | 728.109  | am | (P-916; A-9619)  |
| 722.156           | am | (P-9358)                                      | 728.110  | n  | (P-916; A-9619)  |
| 724.212           | am | (P-1123; A-9833)                              | 728.111  | n  | (P-916; A-9619)  |
| 724.247           | am | (P-9364)                                      | 728.112  | n  | (P-916; A-9619)  |
| 724.440           | am | (P-1123; A-9833)                              | 728.113  | n  | (P-916; A-9619)  |
| 724.930           | am | (P-1123; A-9833)                              | 728.133  | am | (P-916; A-9619)  |
| 724.935           | am | (P-1123; A-9833)                              | 728.135  | am | (P-916; A-9619)  |
| 725.113           | am | (P-875; A-9578)                               | 728.140  | am | (P-916; A-9619)  |
| 725.173           | am | (P-875; A-9578)                               | 728.141  | am | (P-916; A-9619)  |
| 725.191           | am | (P-9336)                                      | 728.142  | am | (P-916; A-9619)  |
| 725.212           | am | (P-875; A-9578)                               | 728.144  | am | (P-916; A-9619)  |
| 725.213           | am | (P-875; A-9578)                               | 728.Ap.D | am | (P-916; A-9619)  |
| 725.247           | am | (P-9336)                                      | 728.Ap.E | am | (P-916; A-9619)  |
| 725.440           | am | (P-875; A-9578)                               | 728.Ap.G | am | (P-916; A-9619)  |
| 725.470           | am | (P-875; A-9578)                               | 728.Ap.H | am | (P-916; A-9619)  |
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| 731.111              | r  | (P-2330; A-7407)        | n  | 731.Ap.C              | n  | (P-2330; A-7407)        | n |
| 731.112              | am | (P-2330; A-7407)        | r  | 809.901               | r  | (P-13017/91; A-130)     | n |
| 731.113              | am | (P-2330; A-7407)        | r  | 809.902               | r  | (P-13017/91; A-130)     | n |
| 731.114              | r  | (P-2330; A-7407)        | r  | 809.903               | r  | (P-13017/91; A-130)     | n |
| 731.120              | r  | (P-2330; A-7407)        | r  | 809.904               | r  | (P-13017/91; A-130)     | n |
| 731.121              | r  | (P-2330; A-7407)        | r  | 809.905               | r  | (P-13017/91; A-130)     | n |
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| 731.134              | r  | (P-2330; A-7407)        | n  | 848.207               | n  | (P-13004/91; A-3114)    | n |
| 731.140              | r  | (P-2330; A-7407)        | n  | 848.208               | n  | (P-13004/91; A-3114)    | n |
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| 731.145              | r  | (P-2330; A-7407)        | r  | 849.105               | r  | (P-13265/91; A-2880)    | n |
| 731.150              | r  | (P-2330; A-7407)        | r  | 849.106               | r  | (P-13265/91; A-2880)    | n |
| 731.151              | r  | (P-2330; A-7407)        | am | 858.207               | am | (P-4621)                | n |
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| 731.153              | r  | (P-2330; A-7407)        | n  | 859.102               | n  | (P-8348/91; A-6995)     | n |
| 731.161              | am | (P-2330; A-7407)        | n  | 859.103               | n  | (P-8348/91; A-6995)     | n |
| 731.162              | am | (P-2330; A-7407)        | n  | 859.201               | n  | (P-8348/91; A-6995)     | n |
| 731.170              | r  | (P-2330; A-7407)        | n  | 859.202               | n  | (P-8348/91; A-6995)     | n |
| 731.171              | r  | (P-2330; A-7407)        | n  | 859.203               | n  | (P-8348/91; A-6995)     | n |
| 731.172              | r  | (P-2330; A-7407)        | n  | 859.204               | n  | (P-8348/91; A-6995)     | n |
| 731.173              | r  | (P-2330; A-7407)        | n  | 859.205               | n  | (P-8348/91; A-6995)     | n |
| 731.174              | r  | (P-2330; A-7407)        | n  | 859.301               | n  | (P-8348/91; A-6995)     | n |
| 731.190              | r  | (P-2330; A-7407)        | n  | 859.302               | n  | (P-8348/91; A-6995)     | n |
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| 731.192              | r  | (P-2330; A-7407)        | n  | 875.100               | n  | (P-10542)               | n |
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| 102.45 n             | (P-17442/91; A-11172)   | 170.820 n (P-10875/91; A-4845) |
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| 120.1000 am          | (P-15823/91; A-6808)    | 170.890 n (P-10875/91; A-4845) |
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| 120.1020 n           | (P-15823/91; A-6808)    | 170.910 n (P-10875/91; A-4845) |
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| 120.1100 am          | (P-15823/91; A-6808)    | 215.30 n (P-1954)              |
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| 140.60 am            | (P-14017)               | 270.60 n (P-14845/91; A-6842)  |
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| 280.70               | n                 | (P-15665)            | am                   |
| 280.75               | n                 | (P-15665)            | (P-10127)            |
| 280.80               | n                 | (P-15665)            | n                    |
| 300.10               | n                 | (P-10560)            | am                   |
| 300.15               | n                 | (P-10560)            | am                   |
| 300.20               | n                 | (P-10560)            | (P-14337/91; A-3940) |
| 300.25               | n                 | (P-10560)            | (P-14337/91; A-3940) |
| 300.30               | n                 | (P-10560)            | am                   |
| 300.35               | n                 | (P-10560)            | am                   |
| 300.40               | n                 | (P-10560)            | (P-14337/91; A-3940) |
| 300.50               | n                 | (P-10560)            | am                   |
| TITLE 44             |                   |                      |                      |
| 1.100                | am                | (P-12808) (E-13118)  | am                   |
| 1.350                | am                | (P-12808) (E-13118)  | (P-14337/91; A-3940) |
| 1.515                | am                | (P-12808) (E-13118)  | r                    |
| 1.530                | am                | (P-12808) (E-13118)  | am                   |
| 1.610                | am                | (P-12808) (E-13118)  | am                   |
| 1.620                | am                | (P-12808) (E-13118)  | am                   |
| 1.630                | am                | (P-12808) (E-13118)  | am                   |
| 950.110              | r                 | (P-3695; A-12424)    | am                   |
| 950.120              | r                 | (P-3695; A-12424)    | (P-14337/91; A-3940) |
| 950.130              | r                 | (P-3695; A-12424)    | (P-14337/91; A-3940) |
| 950.140              | r                 | (P-3695; A-12424)    | am                   |
| 950.150              | r                 | (P-3695; A-12424)    | am                   |
| 950.160              | r                 | (P-3695; A-12424)    | am                   |
| 950.170              | r                 | (P-3695; A-12424)    | am                   |
| 950.180              | r                 | (P-3695; A-12424)    | am                   |
| 950.210              | r                 | (P-3695; A-12424)    | am                   |
| 950.220              | r                 | (P-3695; A-12424)    | am                   |
| 950.230              | r                 | (P-3695; A-12424)    | am                   |
| 950.240              | r                 | (P-3695; A-12424)    | am                   |
| 950.250              | r                 | (P-3695; A-12424)    | am                   |
| 950.260              | r                 | (P-3695; A-12424)    | am                   |
| 950.270              | r                 | (P-3695; A-12424)    | am                   |
| 950.280              | r                 | (P-3695; A-12424)    | am                   |
| 950.290              | r                 | (P-3695; A-12424)    | am                   |
| 950.300              | r                 | (P-3695; A-12424)    | am                   |
| 5000.900             | n                 | (P-11378)            | am                   |
| 5000.910             | n                 | (P-11378)            | am                   |
| 5000.920             | n                 | (P-11378)            | am                   |
| 5000.930             | n                 | (P-11378)            | am                   |



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| TITLE 47 (CONT'D) |    | TITLE 47 (CONT'D)    |    | TITLE 47 (CONT'D) |    | TITLE 47 (CONT'D)   |    |
|-------------------|----|----------------------|----|-------------------|----|---------------------|----|
| 110.350           | n  | (P-7141)             | am | 310.802           | am | (P-1961; A-10248)   | am |
| 110.360           | n  | (P-7141)             | am | 310.803           | am | (P-1961; A-10248)   | am |
| 120.30            | am | (P-13993/91; A-3078) | am | 310.804           | am | (P-1961; A-10248)   | am |
| 120.55            | am | (P-13993/91; A-3078) | am | 310.805           | am | (P-1961; A-10248)   | am |
| 120.80            | am | (P-13993/91; A-3078) | am | 310.806           | am | (P-1961; A-10248)   | am |
| 120.90            | am | (P-13993/91; A-3078) | am | 310.901           | am | (P-1961; A-10248)   | am |
| 120.110           | am | (P-13993/91; A-3078) | am | 310.902           | am | (P-1961; A-10248)   | am |
| 120.115           | am | (P-13993/91; A-3078) | am | 310.913           | am | (P-1961; A-10248)   | am |
| 140.10            | r  | (P-13241/91; A-2120) | n  | 350.213           | n  | (P-1961; A-11831)   | n  |
| 140.20            | r  | (P-13241/91; A-2120) | n  |                   |    | (E-5369; O-8254;    |    |
| 140.30            | r  | (P-13241/91; A-2120) | n  |                   |    | M-9137) (C-12794)   |    |
| 140.40            | r  | (P-13241/91; A-2120) | n  | 370.101           | n  | (P-11713) (E-11884) | n  |
| 140.50            | r  | (P-13241/91; A-2120) | n  | 370.102           | n  | (P-11713) (E-11884) | n  |
| 140.60            | r  | (P-13241/91; A-2120) | n  | 370.103           | n  | (P-11713) (E-11884) | n  |
| 310.101           | am | (P-1961; A-10248)    | n  | 370.104           | n  | (P-11713) (E-11884) | n  |
| 310.102           | am | (P-1961; A-10248)    | n  | 370.105           | n  | (P-11713) (E-11884) | n  |
| 310.103           | am | (P-1961; A-10248)    | n  | 370.106           | n  | (P-11713) (E-11884) | n  |
| 310.106           | am | (P-1961; A-10248)    | n  | 370.107           | n  | (P-11713) (E-11884) | n  |
| 310.107           | am | (P-1961; A-10248)    | n  | 370.108           | n  | (P-11713) (E-11884) | n  |
| 310.109           | am | (P-1961; A-10248)    | n  | 370.109           | n  | (P-11713) (E-11884) | n  |
| 310.110           | am | (P-1961; A-10248)    | n  | 370.110           | n  | (P-11713) (E-11884) | n  |
| 310.111           | am | (P-1961; A-10248)    | n  | 370.111           | n  | (P-11713) (E-11884) | n  |
| 310.113           | am | (P-1961; A-10248)    | n  | 370.112           | n  | (P-11713) (E-11884) | n  |
| 310.114           | am | (P-1961; A-10248)    | n  | 370.113           | n  | (P-11713) (E-11884) | n  |
| 310.201           | am | (P-1961; A-10248)    | n  | 370.201           | n  | (P-11713) (E-11884) | n  |
| 310.202           | am | (P-1961; A-10248)    | n  | 370.202           | n  | (P-11713) (E-11884) | n  |
| 310.203           | am | (P-1961; A-10248)    | n  | 370.203           | n  | (P-11713) (E-11884) | n  |
| 310.204           | am | (P-1961; A-10248)    | n  | 370.204           | n  | (P-11713) (E-11884) | n  |
| 310.205           | am | (P-1961; A-10248)    | n  | 370.205           | n  | (P-11713) (E-11884) | n  |
| 310.206           | am | (P-1961; A-10248)    | n  | 370.206           | n  | (P-11713) (E-11884) | n  |
| 310.301           | am | (P-1961; A-10248)    | n  | 370.207           | n  | (P-11713) (E-11884) | n  |
| 310.302           | am | (P-1961; A-10248)    | n  | 370.208           | n  | (P-11713) (E-11884) | n  |
| 310.303           | am | (P-1961; A-10248)    | n  | 370.209           | n  | (P-11713) (E-11884) | n  |
| 310.304           | am | (P-1961; A-10248)    | n  | 370.210           | n  | (P-11713) (E-11884) | n  |
| 310.305           | am | (P-1961; A-10248)    | n  | 370.211           | n  | (P-11713) (E-11884) | n  |
| 310.306           | am | (P-1961; A-10248)    | n  | 370.212           | n  | (P-11713) (E-11884) | n  |
| 310.307           | am | (P-1961; A-10248)    | n  | 370.301           | n  | (P-11713) (E-11884) | n  |
| 310.309           | am | (P-1961; A-10248)    | n  | 370.302           | n  | (P-11713) (E-11884) | n  |
| 310.401           | am | (P-1961; A-10248)    | n  | 370.303           | n  | (P-11713) (E-11884) | n  |
| 310.402           | am | (P-1961; A-10248)    | n  | 370.304           | n  | (P-11713) (E-11884) | n  |
| 310.403           | am | (P-1961; A-10248)    | n  | 370.305           | n  | (P-11713) (E-11884) | n  |
| 310.404           | am | (P-1961; A-10248)    | n  | 370.401           | n  | (P-11713) (E-11884) | n  |
| 310.405           | am | (P-1961; A-10248)    | n  | 370.402           | n  | (P-11713) (E-11884) | n  |
| 310.602           | am | (P-1961; A-10248)    | n  | 370.501           | n  | (P-11713) (E-11884) | n  |
| 310.603           | am | (P-1961; A-10248)    | n  | 370.502           | n  | (P-11713) (E-11884) | n  |
| 310.604           | am | (P-1961; A-10248)    | n  | 370.503           | n  | (P-11713) (E-11884) | n  |
| 310.701           | am | (P-1961; A-10248)    | n  | 370.504           | n  | (P-11713) (E-11884) | n  |
| 310.702           | am | (P-1961; A-10248)    | n  | 370.505           | n  | (P-11713) (E-11884) | n  |
| 310.703           | am | (P-1961; A-10248)    | n  | 370.506           | n  | (P-11713) (E-11884) | n  |
| 310.801           | am | (P-1961; A-10248)    | n  | 370.507           | n  | (P-11713) (E-11884) | n  |
|                   |    |                      |    | 370.508           | n  | (P-11713) (E-11884) | n  |

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| TITLE 56 (CONT'D)    |   | TITLE 56 (CONT'D)            |   | SECTIONS AFFECTED INDEX |    | SECTIONS AFFECTED INDEX |    |
| 300.400              | r | (P-4626; C-6897;<br>A-13828) | n | 300.800                 | n  | 2650.330                | n  |
| 300.410              | r | (P-4626; C-6897;<br>A-13828) | n | 300.810                 | n  | 2650.340                | n  |
| 300.420              | r | (P-4626; C-6897;<br>A-13828) | n | 300.820                 | n  | 2650.350                | n  |
| 300.430              | r | (P-4626; C-6897;<br>A-13828) | n | 300.830                 | n  | 2720.1                  | am |
| 300.440              | r | (P-4626; C-6897;<br>A-13828) | n | 300.840                 | n  | 2720.2                  | n  |
| 300.450              | n | (P-4626; C-6897;<br>A-13828) | n | 300.850                 | n  | 2720.5                  | am |
| 300.460              | n | (P-4626; C-6897;<br>A-13828) | n | 300.860                 | n  | 2720.7                  | n  |
| 300.500              | n | (P-4626; C-6897;<br>A-13828) | n | 300.870                 | n  | 2720.10                 | am |
| 300.510              | n | (P-4626; C-6897;<br>A-13828) | n | 300.880                 | n  | 2720.108                | n  |
| 300.520              | n | (P-4626; C-6897;<br>A-13828) | n | 300.890                 | n  | 2720.130                | am |
| 300.600              | n | (P-4626; C-6897;<br>A-13828) | n | 300.900                 | n  | 2720.215                | n  |
| 300.610              | n | (P-4626; C-6897;<br>A-13828) | n | 300.910                 | n  | 2720.240                | am |
| 300.620              | n | (P-4626; C-6897;<br>A-13828) | n | 300.920                 | n  | 2720.315                | am |
| 300.630              | n | (P-4626; C-6897;<br>A-13828) | n | 300.930                 | n  | 2725.2                  | n  |
| 300.640              | n | (P-4626; C-6897;<br>A-13828) | n | 300.940                 | n  | 2725.100                | am |
| 300.700              | n | (P-4626; C-6897;<br>A-13828) | n | 300.950                 | n  | 2725.105                | am |
| 300.710              | n | (P-4626; C-6897;<br>A-13828) | n | 300.960                 | n  | 2725.115                | am |
| 300.720              | n | (P-4626; C-6897;<br>A-13828) | n | 300.970                 | n  | 2725.225                | am |
| 300.730              | n | (P-4626; C-6897;<br>A-13828) | n | 300.980                 | n  | 2725.237                | n  |
| 300.740              | n | (P-4626; C-6897;<br>A-13828) | n | 300.990                 | n  | 2725.245                | am |
| 300.750              | n | (P-4626; C-6897;<br>A-13828) | n | 300.1000                | n  | 2732.203                | n  |
| 300.760              | n | (P-4626; C-6897;<br>A-13828) | n | 300.1010                | n  | 2732.220                | n  |
| 300.770              | n | (P-4626; C-6897;<br>A-13828) | n | 300.1020                | n  | 2732.305                | n  |
| 300.780              | n | (P-4626; C-6897;<br>A-13828) | n | 350.10                  | am | 2760.110                | am |
| 300.790              | n | (P-4626; C-6897;<br>A-13828) | n | 350.280                 | am | 2760.125                | am |
|                      |   |                              |   | 350.290                 | n  | 2760.130                | am |
|                      |   |                              |   | 350.300                 | n  | 2760.145                | am |
|                      |   |                              |   | 350.310                 | n  | 2760.150                | am |
|                      |   |                              |   |                         |    | 2765.5                  | am |
|                      |   |                              |   |                         |    | 2765.45                 | am |
|                      |   |                              |   |                         |    | 2765.50                 | am |
|                      |   |                              |   |                         |    | 2765.55                 | am |
|                      |   |                              |   |                         |    | 2765.60                 | am |
|                      |   |                              |   |                         |    | 2765.64                 | n  |
|                      |   |                              |   |                         |    | 2765.66                 | am |
|                      |   |                              |   |                         |    | 2765.67                 | n  |
|                      |   |                              |   |                         |    | 2765.68                 | am |
|                      |   |                              |   |                         |    | 2765.69                 | n  |
|                      |   |                              |   |                         |    | 2765.70                 | am |
|                      |   |                              |   |                         |    | 2765.74                 | n  |
|                      |   |                              |   |                         |    | 2765.75                 | am |
|                      |   |                              |   |                         |    | 2765.75                 | am |
|                      |   |                              |   |                         |    | 2765.82                 | am |
|                      |   |                              |   |                         |    | 2630.83                 | am |
|                      |   |                              |   |                         |    | 2650.10                 | am |
|                      |   |                              |   |                         |    | 2650.20                 | am |
|                      |   |                              |   |                         |    | 2650.30                 | am |
|                      |   |                              |   |                         |    | 2650.30                 | am |
|                      |   |                              |   |                         |    | 2650.40                 | am |
|                      |   |                              |   |                         |    | 2650.310                | n  |
|                      |   |                              |   |                         |    | 2650.320                | n  |



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| TITLE 56 (CONT'D) |    | TITLE 59 (CONT'D) |   |
|-------------------|----|-------------------|---|
| 2765.334          | am | 121.60            | n |
| 2765.335          | am | 121.65            | n |
| 2770.100          | am | 121.70            | n |
| 2770.105          | am | 121.75            | n |
| 2770.110          | am | 121.80            | n |
| 5300.10           | am | 121.85            | n |
| 5300.20           | am | 121.90            | n |
| 5300.30           | am | 121.95            | n |
| 5300.40           | am | 121.100           | n |
| 5300.210          | am | 121.105           | n |
| 5300.310          | am | 121.110           | n |
| 5300.450          | am | 121.115           | n |
| 5300.460          | am | 121.120           | n |
| 5300.550          | am | 121.125           | n |
| 5300.560          | am | 121.130           | n |
| 5300.570          | am | 121.135           | n |
| 5300.610          | am | 121.140           | n |
| 5300.620          | am | 121.145           | n |
| 5300.630          | am | 121.150           | n |
| 5300.640          | am | 121.155           | n |
| 5300.650          | am | 121.160           | n |
| 5300.660          | am | 121.165           | n |
| 5300.720          | am | 121.170           | n |
| 5300.730          | am | 121.175           | n |
| 5300.735          | n  | 121.180           | n |
| 5300.745          | n  | 121.185           | n |
| 5300.750          | am | 121.190           | n |
| 5300.760          | am | 121.195           | n |
| 5300.765          | n  | 121.200           | n |
| 5300.770          | r  | 121.205           | n |
| 5300.782          | r  | 121.210           | n |
| 5300.783          | r  | 121.215           | n |
| 5300.784          | r  | 121.220           | n |
| 5300.785          | r  | 121.225           | n |
| 5300.786          | r  | 121.230           | n |
| 5300.787          | r  | 121.235           | n |
| 5300.825          | am | 121.240           | n |
| 5300.865          | am | 121.245           | n |
| 5300.920          | am | 121.250           | n |
| 5300.930          | am | 121.255           | n |
| 5300.940          | am | 121.260           | n |
| 5300.950          | am | 121.265           | n |
| 5300.960          | am | 121.270           | n |
| 5300.1145         | n  | 121.275           | n |
| 5300.1150         | am | 121.280           | n |
| 5300.1160         | am | 121.285           | n |
| 5400.110          | am | 121.290           | n |
|                   |    | 121.295           | n |
|                   |    | 121.300           | n |
|                   |    | 121.305           | n |
|                   |    | 121.310           | n |
|                   |    | 121.315           | n |
|                   |    | 121.320           | n |
|                   |    | 121.325           | n |
|                   |    | 121.330           | n |
|                   |    | 121.335           | n |
|                   |    | 121.340           | n |
|                   |    | 121.345           | n |
|                   |    | 121.350           | n |
|                   |    | 121.355           | n |
|                   |    | 121.360           | n |
|                   |    | 121.365           | n |
|                   |    | 121.370           | n |
|                   |    | 121.375           | n |
|                   |    | 121.380           | n |
|                   |    | 121.385           | n |
|                   |    | 121.390           | n |
|                   |    | 121.395           | n |
|                   |    | 121.400           | n |
|                   |    | 121.405           | n |
|                   |    | 121.410           | n |
|                   |    | 121.415           | n |
|                   |    | 121.420           | n |
|                   |    | 121.425           | n |
|                   |    | 121.430           | n |
|                   |    | 121.435           | n |
|                   |    | 121.440           | n |
|                   |    | 121.445           | n |
|                   |    | 121.450           | n |
|                   |    | 121.455           | n |
|                   |    | 121.460           | n |
|                   |    | 121.465           | n |
|                   |    | 121.470           | n |
|                   |    | 121.475           | n |
|                   |    | 121.480           | n |
|                   |    | 121.485           | n |
|                   |    | 121.490           | n |
|                   |    | 121.495           | n |
|                   |    | 121.500           | n |
|                   |    | 121.505           | n |
|                   |    | 121.510           | n |
|                   |    | 121.515           | n |
|                   |    | 121.520           | n |
|                   |    | 121.525           | n |
|                   |    | 121.530           | n |
|                   |    | 121.535           | n |
|                   |    | 121.540           | n |
|                   |    | 121.545           | n |
|                   |    | 121.550           | n |
|                   |    | 121.555           | n |
|                   |    | 121.560           | n |
|                   |    | 121.565           | n |
|                   |    | 121.570           | n |
|                   |    | 121.575           | n |
|                   |    | 121.580           | n |
|                   |    | 121.585           | n |
|                   |    | 121.590           | n |
|                   |    | 121.595           | n |
|                   |    | 121.600           | n |
|                   |    | 121.605           | n |
|                   |    | 121.610           | n |
|                   |    | 121.615           | n |
|                   |    | 121.620           | n |
|                   |    | 121.625           | n |
|                   |    | 121.630           | n |
|                   |    | 121.635           | n |
|                   |    | 121.640           | n |
|                   |    | 121.645           | n |
|                   |    | 121.650           | n |
|                   |    | 121.655           | n |
|                   |    | 121.660           | n |
|                   |    | 121.665           | n |
|                   |    | 121.670           | n |
|                   |    | 121.675           | n |
|                   |    | 121.680           | n |
|                   |    | 121.685           | n |
|                   |    | 121.690           | n |
|                   |    | 121.695           | n |
|                   |    | 121.700           | n |
|                   |    | 121.705           | n |
|                   |    | 121.710           | n |
|                   |    | 121.715           | n |
|                   |    | 121.720           | n |
|                   |    | 121.725           | n |
|                   |    | 121.730           | n |
|                   |    | 121.735           | n |
|                   |    | 121.740           | n |
|                   |    | 121.745           | n |
|                   |    | 121.750           | n |
|                   |    | 121.755           | n |
|                   |    | 121.760           | n |
|                   |    | 121.765           | n |
|                   |    | 121.770           | n |
|                   |    | 121.775           | n |
|                   |    | 121.780           | n |
|                   |    | 121.785           | n |
|                   |    | 121.790           | n |
|                   |    | 121.795           | n |
|                   |    | 121.800           | n |
|                   |    | 121.805           | n |
|                   |    | 121.810           | n |
|                   |    | 121.815           | n |
|                   |    | 121.820           | n |
|                   |    | 121.825           | n |
|                   |    | 121.830           | n |
|                   |    | 121.835           | n |
|                   |    | 121.840           | n |
|                   |    | 121.845           | n |
|                   |    | 121.850           | n |
|                   |    | 121.855           | n |
|                   |    | 121.860           | n |
|                   |    | 121.865           | n |
|                   |    | 121.870           | n |
|                   |    | 121.875           | n |
|                   |    | 121.880           | n |
|                   |    | 121.885           | n |
|                   |    | 121.890           | n |
|                   |    | 121.895           | n |
|                   |    | 121.900           | n |
|                   |    | 121.905           | n |
|                   |    | 121.910           | n |
|                   |    | 121.915           | n |
|                   |    | 121.920           | n |
|                   |    | 121.925           | n |
|                   |    | 121.930           | n |
|                   |    | 121.935           | n |
|                   |    | 121.940           | n |
|                   |    | 121.945           | n |
|                   |    | 121.950           | n |
|                   |    | 121.955           | n |
|                   |    | 121.960           | n |
|                   |    | 121.965           | n |
|                   |    | 121.970           | n |
|                   |    | 121.975           | n |
|                   |    | 121.980           | n |
|                   |    | 121.985           | n |
|                   |    | 121.990           | n |
|                   |    | 121.995           | n |
|                   |    | 122.000           | n |
|                   |    | 122.005           | n |
|                   |    | 122.010           | n |
|                   |    | 122.015           | n |
|                   |    | 122.020           | n |
|                   |    | 122.025           | n |
|                   |    | 122.030           | n |
|                   |    | 122.035           | n |
|                   |    | 122.040           | n |
|                   |    | 122.045           | n |
|                   |    | 122.050           | n |
|                   |    | 122.055           | n |
|                   |    | 122.060           | n |
|                   |    | 122.065           | n |
|                   |    | 122.070           | n |
|                   |    | 122.075           | n |
|                   |    | 122.080           | n |
|                   |    | 122.085           | n |
|                   |    | 122.090           | n |
|                   |    | 122.095           | n |
|                   |    | 122.100           | n |
|                   |    | 122.105           | n |
|                   |    | 122.110           | n |
|                   |    | 122.115           | n |
|                   |    | 122.120           | n |
|                   |    | 122.125           | n |
|                   |    | 122.130           | n |
|                   |    | 122.135           | n |
|                   |    | 122.140           | n |
|                   |    | 122.145           | n |
|                   |    | 122.150           | n |
|                   |    | 122.155           | n |
|                   |    | 122.160           | n |
|                   |    | 122.165           | n |
|                   |    | 122.170           | n |
|                   |    | 122.175           | n |
|                   |    | 122.180           | n |
|                   |    | 122.185           | n |
|                   |    | 122.190           | n |
|                   |    | 122.195           | n |
|                   |    | 122.200           | n |
|                   |    | 122.205           | n |
|                   |    | 122.210           | n |
|                   |    | 122.215           | n |
|                   |    | 122.220           | n |
|                   |    | 122.225           | n |
|                   |    | 122.230           | n |
|                   |    | 122.235           | n |
|                   |    | 122.240           | n |
|                   |    | 122.245           | n |
|                   |    | 122.250           | n |
|                   |    | 122.255           | n |
|                   |    | 122.260           | n |
|                   |    | 122.265           | n |
|                   |    | 122.270           | n |
|                   |    | 122.275           | n |
|                   |    | 122.280           | n |
|                   |    | 122.285           | n |
|                   |    | 122.290           | n |
|                   |    | 122.295           | n |
|                   |    | 122.300           | n |
|                   |    | 122.305           | n |
|                   |    | 122.310           | n |
|                   |    | 122.315           | n |
|                   |    | 122.320           | n |
|                   |    | 122.325           | n |
|                   |    | 122.330           | n |
|                   |    | 122.335           | n |
|                   |    | 122.340           | n |
|                   |    | 122.345           | n |
|                   |    | 122.350           | n |
|                   |    | 122.355           | n |
|                   |    | 122.360           | n |
|                   |    | 122.365           | n |
|                   |    | 122.370           | n |
|                   |    | 122.375           | n |
|                   |    | 122.380           | n |
|                   |    | 122.385           | n |
|                   |    | 122.390           | n |
|                   |    | 122.395           | n |
|                   |    | 122.400           | n |
|                   |    | 122.405           | n |
|                   |    | 122.410           | n |
|                   |    | 122.415           | n |
|                   |    | 122.420           | n |
|                   |    | 122.425           | n |
|                   |    | 122.430           | n |
|                   |    | 122.435           | n |
|                   |    | 122.440           | n |
|                   |    | 122.445           | n |
|                   |    | 122.450           | n |
|                   |    | 122.455           | n |
|                   |    | 122.460           | n |
|                   |    | 122.465           | n |
|                   |    | 122.470           | n |
|                   |    | 122.475           | n |
|                   |    | 122.480           | n |
|                   |    | 122.485           | n |
|                   |    | 122.490           | n |
|                   |    | 122.495           | n |
|                   |    | 122.500           | n |
|                   |    | 122.505           | n |
|                   |    | 122.510           | n |
|                   |    | 122.515           | n |
|                   |    | 122.520           | n |
|                   |    | 122.525           | n |
|                   |    | 122.530           | n |
|                   |    | 122.535           | n |
|                   |    | 122.540           | n |
|                   |    | 122.545           | n |
|                   |    | 122.550           | n |
|                   |    | 122.555           | n |
|                   |    | 122.560           | n |
|                   |    | 122.565           | n |
|                   |    | 122.570           | n |
|                   |    | 122.575           | n |
|                   |    | 122.580           | n |
|                   |    | 122.585           | n |
|                   |    | 122.590           | n |
|                   |    | 122.595           | n |
|                   |    | 122.600           | n |
|                   |    | 122.605           | n |
|                   |    | 122.610           | n |
|                   |    | 122.615           | n |
|                   |    | 122.620           | n |
|                   |    | 122.625           | n |
|                   |    | 122.630           | n |
|                   |    | 122.635           | n |
|                   |    | 122.640           | n |
|                   |    | 122.645           | n |
|                   |    | 122.650           | n |
|                   |    | 122.655           | n |
|                   |    | 122.660           | n |
|                   |    | 122.665           | n |
|                   |    | 122.670           | n |
|                   |    | 122.675           | n |
|                   |    | 122.680           | n |
|                   |    | 122.685           | n |
|                   |    | 122.690           | n |
|                   |    | 122.695           | n |
|                   |    | 122.700           | n |
|                   |    | 122.705           | n |
|                   |    | 122.710           | n |
|                   |    | 122.715           | n |
|                   |    | 122.720           | n |
|                   |    | 122.725           | n |
|                   |    | 122.730           | n |
|                   |    | 122.735           | n |
|                   |    | 122.740           | n |
|                   |    | 122.745           | n |
|                   |    | 122.750           | n |
|                   |    | 122.755           | n |
|                   |    | 122.760           | n |
|                   |    | 122.765           | n |
|                   |    | 122.770           | n |
|                   |    | 122.775           | n |
|                   |    | 122.780           | n |
|                   |    | 122.785           | n |
|                   |    | 122.790           | n |
|                   |    | 122.795           | n |
|                   |    | 122.800           | n |
|                   |    | 122.805           | n |
|                   |    | 122.810           | n |
|                   |    | 122.815           | n |
|                   |    | 122.820           | n |
|                   |    | 122.825           | n |
|                   |    | 122.830           | n |
|                   |    | 122.835           | n |
|                   |    | 122.840           | n |
|                   |    | 122.845           | n |
|                   |    | 122.850           | n |
|                   |    | 122.855           | n |
|                   |    | 122.860           | n |
|                   |    | 122.865           | n |
|                   |    | 122.870           | n |
|                   |    | 122.875           | n |
|                   |    | 122.880           | n |
|                   |    | 122.885           | n |
|                   |    | 122.890           | n |
|                   |    | 122.895           | n |
|                   |    | 122.900           | n |
|                   |    | 122.905           | n |
|                   |    | 122.910           | n |
|                   |    | 122.915           | n |
|                   |    | 122.920           | n |
|                   |    | 122.925           | n |
|                   |    | 122.930           | n |
|                   |    | 122.935           | n |
|                   |    | 122.940           | n |
|                   |    | 122.945           | n |
|                   |    |                   |   |



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| TITLE 62 (CONT'D) |    |  |           | 240.1500 | r                                      | (P-14365/91;<br>P-14679/91;<br>A-2576) |
|-------------------|----|--|-----------|----------|--|--|
| 240.1170          | am | (P-3282; A-15513)                      |           |          |  |  |
| 240.1180          | r  | (P-3282; A-15513)                      |           |          |  |  |
| 240.1400          | r  | (P-14365/91;<br>P-14679/91;<br>A-2576) | 240.1500  | n        | (P-14365/91;<br>P-14679/91;<br>A-2576) |  |
| 240.1400          | n  | (P-14365/91;<br>P-14679/91;<br>A-2576) | 240.1510  | n        | (P-14365/91;<br>P-14679/91;<br>A-2576) |  |
| 240.1405          | r  | (P-14365/91;<br>P-14679/91;<br>A-2576) | 240.1520  | n        | (P-14365/91;<br>P-14679/91;<br>A-2576) |  |
| 240.1410          | r  | (P-14365/91;<br>P-14679/91;<br>A-2576) | 240.1530  | n        | (P-14365/91;<br>P-14679/91;<br>A-2576) |  |
| 240.1410          | n  | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1701.Ap.A | am       | (P-10644)                              |  |
| 240.1410          | n  | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1702.11   | am       | (P-10631)                              |  |
| 240.1420          | r  | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1702.12   | am       | (P-10631)                              |  |
| 240.1420          | r  | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1702.17   | am       | (P-10631)                              |  |
| 240.1420          | n  | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1702.18   | am       | (P-10631)                              |  |
| 240.1420          | n  | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1705.21   | am       | (P-10790)                              |  |
| 240.1430          | r  | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1761.5    | n        | (P-10596)                              |  |
| 240.1430          | r  | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1761.11   | am       | (P-10596)                              |  |
| 240.1430          | am | (P-3282; A-15513)                      | 1761.12   | am       | (P-10596)                              |  |
| 240.1440          | r  | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1764.19   | am       | (P-10831)                              |  |
| 240.1440          | r  | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1772.12   | am       | (P-10762)                              |  |
| 240.1440          | n  | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1773.13   | am       | (P-10768)                              |  |
| 240.1440          | am | (P-3282; A-15513)                      | 1773.15   | am       | (P-10768)                              |  |
| 240.1440          | r  | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1773.20   | am       | (P-10768)                              |  |
| 240.1440          | n  | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1773.21   | am       | (P-10768)                              |  |
| 240.1450          | r  | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1774.11   | am       | (P-10793)                              |  |
| 240.1450          | am | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1774.13   | am       | (P-10793)                              |  |
| 240.1450          | am | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1774.15   | am       | (P-10793)                              |  |
| 240.1460          | r  | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1775.1    | r        | (P-10590)                              |  |
| 240.1460          | am | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1775.11   | r        | (P-10590)                              |  |
| 240.1460          | am | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1775.13   | r        | (P-10590)                              |  |
| 240.1460          | am | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1777.17   | am       | (P-10640)                              |  |
| 240.1460          | am | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1778.15   | am       | (P-10758)                              |  |
| 240.1460          | am | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1779.19   | am       | (P-10835)                              |  |
| 240.1460          | r  | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1780.21   | am       | (P-10839)                              |  |
| 240.1460          | am | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1780.33   | am       | (P-10839)                              |  |
| 240.1460          | am | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1780.38   | am       | (P-10839)                              |  |
| 240.1460          | am | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1783.19   | am       | (P-10849)                              |  |
| 240.1460          | am | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1784.14   | am       | (P-10853)                              |  |
| 240.1460          | am | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1784.18   | am       | (P-10853)                              |  |
| 240.1460          | am | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1784.27   | am       | (P-10853)                              |  |
| 240.1470          | r  | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1785.13   | am       | (P-10784)                              |  |
| 240.1470          | r  | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1800.11   | am       | (P-10607)                              |  |
| 240.1470          | am | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1800.40   | am       | (P-10607)                              |  |
| 240.1470          | am | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1800.50   | am       | (P-10607)                              |  |
| 240.1470          | am | (P-14365/91;<br>P-14679/91;<br>A-2576) | 1816.42   | am       | (P-10695)                              |  |



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| TITLE 62 (CONT'D)    |                         |           |                  |   |
| 1816.43              | am                      | (P-10695) | 1848.12          | n |
| 1816.49              | am                      | (P-10695) | 1848.13          | n |
| 1816.84              | am                      | (P-10695) | 1848.15          | n |
| 1816.116             | am                      | (P-10695) | 1848.16          | n |
| 1816.117             | am                      | (P-10695) | 1848.17          | n |
| 1816.151             | am                      | (P-10695) | 1848.18          | n |
| 1817.42              | am                      | (P-10726) | 1848.19          | n |
| 1817.42              | am                      | (P-10726) | 1848.20          | n |
| 1817.43              | am                      | (P-10726) | 1848.21          | n |
| 1817.49              | am                      | (P-10726) | 1848.22          | n |
| 1817.84              | am                      | (P-10726) | 1848.22          | n |
| 1817.116             | am                      | (P-10726) | 2501.37          | n |
| 1817.117             | am                      | (P-10726) |                  |   |
| 1817.151             | am                      | (P-10726) |                  |   |
| 1817.182             | am                      | (P-10726) |                  |   |
| 1827.12              | am                      | (P-10803) |                  |   |
| 1843.12              | am                      | (P-10807) |                  |   |
| 1843.13              | am                      | (P-10807) |                  |   |
| 1843.14              | am                      | (P-10807) |                  |   |
| 1843.15              | am                      | (P-10807) |                  |   |
| 1843.16              | r                       | (P-10807) |                  |   |
| 1843.17              | r                       | (P-10807) |                  |   |
| 1843.20              | r                       | (P-10807) |                  |   |
| 1843.21              | r                       | (P-10807) |                  |   |
| 1845.12              | am                      | (P-10619) |                  |   |
| 1845.13              | am                      | (P-10619) |                  |   |
| 1845.17              | am                      | (P-10619) |                  |   |
| 1845.18              | am                      | (P-10619) |                  |   |
| 1845.19              | r                       | (P-10619) |                  |   |
| 1845.20              | am                      | (P-10619) |                  |   |
| 1846.17              | am                      | (P-10691) |                  |   |
| 1846.18              | am                      | (P-10691) |                  |   |
| 1847.1               | n                       | (P-10569) |                  |   |
| 1847.2               | n                       | (P-10569) |                  |   |
| 1847.3               | n                       | (P-10569) |                  |   |
| 1847.4               | n                       | (P-10569) |                  |   |
| 1847.5               | n                       | (P-10569) |                  |   |
| 1847.6               | n                       | (P-10569) |                  |   |
| 1847.7               | n                       | (P-10569) |                  |   |
| 1847.8               | n                       | (P-10569) |                  |   |
| 1847.9               | n                       | (P-10569) |                  |   |
| 1848.1               | n                       | (P-10669) |                  |   |
| 1848.2               | n                       | (P-10669) |                  |   |
| 1848.3               | n                       | (P-10669) |                  |   |
| 1848.5               | n                       | (P-10669) |                  |   |
| 1848.6               | n                       | (P-10669) |                  |   |
| 1848.7               | n                       | (P-10669) |                  |   |
| 1848.8               | n                       | (P-10669) |                  |   |
| 1848.9               | n                       | (P-10669) |                  |   |
| 1848.11              | n                       | (P-10669) |                  |   |
| TITLE 68             |                         |           |                  |   |
| 580.10               |                         |           |                  |   |
| 580.20               |                         |           |                  |   |
| 580.30               |                         |           |                  |   |
| 580.40               |                         |           |                  |   |
| 580.50               |                         |           |                  |   |
| 580.50               | am                      |           |                  |   |
| 750.3000             | am                      |           |                  |   |
| 750.3010             | am                      |           |                  |   |
| 750.3055             | n                       |           |                  |   |
| 750.4000             | n                       |           |                  |   |
| 750.4010             | n                       |           |                  |   |
| 870.100              | n                       |           |                  |   |
| 870.105              | n                       |           |                  |   |
| 870.110              | n                       |           |                  |   |
| 870.115              | n                       |           |                  |   |
| 870.120              | n                       |           |                  |   |
| 870.200              | n                       |           |                  |   |
| 870.210              | n                       |           |                  |   |
| 870.215              | n                       |           |                  |   |
| 870.220              | n                       |           |                  |   |
| 870.225              | n                       |           |                  |   |
| 870.230              | n                       |           |                  |   |
| 870.235              | n                       |           |                  |   |
| 870.240              | n                       |           |                  |   |
| 870.245              | n                       |           |                  |   |
| 870.300              | n                       |           |                  |   |
| 870.305              | n                       |           |                  |   |
| 870.310              | n                       |           |                  |   |
| 870.315              | n                       |           |                  |   |
| 870.320              | n                       |           |                  |   |
| 870.325              | n                       |           |                  |   |
| 870.400              | n                       |           |                  |   |
| 870.405              | n                       |           |                  |   |

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| 870.520              | n                       | (P-12094/91; A-3096) | 1310.30  | am | (P-3784; A-12565)    |                  |
| 870.525              | n                       | (P-12094/91; A-3096) | 1310.40  | am | (P-3784; A-12565)    |                  |
| 1130.10              | n                       | (P-2010)             | 1310.60  | am | (P-3784; A-12565)    |                  |
| 1130.20              | n                       | (P-2010)             | 1310.70  | am | (P-3784; A-12565)    |                  |
| 1130.30              | n                       | (P-2010)             | 1310.75  | am | (P-3784; A-12565)    |                  |
| 1130.40              | n                       | (P-2010)             | 1310.80  | am | (P-3784; A-12565)    |                  |
| 1130.50              | n                       | (P-2010)             | 1310.85  | am | (P-3784; A-12565)    |                  |
| 1130.60              | n                       | (P-2010)             | 1310.90  | am | (P-3784; A-12565)    |                  |
| 1130.70              | n                       | (P-2010)             | 1330.10  | am | (P-5746)             |                  |
| 1150.20              | am                      | (P-2492/91; A-3143)  | 1330.20  | am | (P-5746)             |                  |
| 1150.30              | am                      | (P-2492/91; A-3143)  | 1330.30  | am | (P-5746)             |                  |
| 1150.40              | am                      | (P-2492/91; A-3143)  | 1330.40  | am | (P-5746)             |                  |
| 1150.50              | am                      | (P-2492/91; A-3143)  | 1330.50  | am | (P-5746)             |                  |
| 1150.60              | am                      | (P-2492/91; A-3143)  | 1330.55  | am | (P-5746)             |                  |
| 1150.65              | am                      | (P-2492/91; A-3143)  | 1330.70  | am | (P-5746)             |                  |
| 1150.70              | am                      | (P-2492/91; A-3143)  | 1330.75  | n  | (P-5746)             |                  |
| 1150.80              | am                      | (P-2492/91; A-3143)  | 1330.80  | am | (P-5746)             |                  |
| 1150.90              | am                      | (P-2492/91; A-3143)  | 1330.90  | am | (P-5746)             |                  |
| 1150.100             | am                      | (P-2492/91; A-3143)  | 1330.91  | am | (P-5746)             |                  |
| 1150.110             | am                      | (P-2492/91; A-3143)  | 1330.92  | am | (P-5746)             |                  |
| 1150.II.A            | am                      | (P-2492/91; A-3143)  | 1330.93  | am | (P-5746)             |                  |
| 1175.565             | am                      | (P-8033; A-13276)    | 1330.94  | am | (P-5746)             |                  |
| 1200.30              | am                      | (P-14369/91; A-3169) | 1330.95  | am | (P-5746)             |                  |
| 1220.160             | am                      | (P-15762)            | 1330.96  | am | (P-5746)             |                  |
| 1220.170             | n                       | (P-15762)            | 1330.99  | am | (P-5746)             |                  |
| 1220.260             | am                      | (P-15762)            | 1330.100 | am | (P-5746)             |                  |
| 1220.270             | n                       | (P-15762)            | 1330.110 | am | (P-5746)             |                  |
| 1220.360             | n                       | (P-15762)            | 1330.120 | am | (P-5746)             |                  |
| 1220.435             | r                       | (P-15762)            | 1330.130 | am | (P-5746)             |                  |
| 1220.440             | n                       | (P-15762)            | 1330.140 | am | (P-5746)             |                  |
| 1220.525             | n                       | (P-15762)            | 1340.15  | n  | (P-11369/91; A-3175) |                  |
| 1240.5               | r                       | (P-15775)            | 1340.20  | am | (P-11369/91; A-3175) |                  |
| 1240.10              | am                      | (P-15775)            | 1340.30  | am | (P-11369/91; A-3175) |                  |
| 1240.15              | am                      | (P-15775)            | 1340.40  | am | (P-11369/91; A-3175) |                  |
| 1240.50              | am                      | (P-15775)            | 1340.50  | am | (P-11369/91; A-3175) |                  |
| 1240.51              | am                      | (P-15775)            | 1340.55  | am | (P-11369/91; A-3175) |                  |
| 1255.10              | n                       | (P-17030/91; A-3194) | 1340.60  | am | (P-11369/91; A-3175) |                  |
| 1255.20              | n                       | (P-17030/91; A-3194) | 1340.65  | am | (P-11369/91; A-3175) |                  |
| 1255.30              | n                       | (P-17030/91; A-3194) | 1340.66  | n  | (P-11369/91; A-3175) |                  |
| 1255.40              | n                       | (P-17030/91; A-3194) | 1340.70  | am | (P-11369/91; A-3175) |                  |
| 1255.50              | n                       | (P-17030/91; A-3194) | 1360.30  | am | (P-8318; A-13281)    |                  |
| 1255.60              | n                       | (P-17030/91; A-3194) | 1360.45  | am | (P-8318; A-13281)    |                  |
| 1255.70              | n                       | (P-17030/91; A-3194) | 1360.60  | am | (P-8318; A-13281)    |                  |
| 1255.80              | n                       | (P-17030/91; A-3194) | 1360.70  | am | (P-8318; A-13281)    |                  |
| 1255.90              | n                       | (P-17030/91; A-3194) | 1380.280 | am | (P-9385; A-15553)    |                  |
| 1270.20              | am                      | (P-10863; A-15548)   | 1380.300 | am | (P-9385; A-15553)    |                  |
| 1275.40              | am                      | (P-5741; A-10458)    | 1450.175 | n  | (P-14375/91; A-3204) |                  |
| 1275.50              | am                      | (P-5741; A-10458)    | 1455.10  | n  | (P-15785) (E-16196)  |                  |
| 1275.80              | n                       | (P-5741; A-10458)    | 1455.15  | n  | (P-15785) (E-16196)  |                  |
| 1310.20              | am                      | (P-3784; A-12565)    | 1455.30  | n  | (P-15785) (E-16196)  |                  |



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| TITLE 68 (CONT'D) |    |                      | 750.90   | am | (P-10408)              |
|-------------------|----|----------------------|----------|----|------------------------|
| 1455.40           | n  | (P-15785) (E-16196)  | 750.110  | am | (P-10408)              |
| 1455.50           | n  | (P-15785) (E-16196)  | 750.120  | am | (P-10408)              |
| 1455.60           | n  | (P-15785) (E-16196)  | 750.130  | am | (P-10408)              |
| 1455.70           | n  | (P-15785) (E-16196)  | 750.Ap.A | am | (P-10408)              |
| 1455.200          | n  | (P-15785) (E-16196)  | 750.Ap.B | am | (P-15035/91; A-203)    |
| 1455.210          | n  | (P-15785) (E-16196)  |          |    | (P-10408)              |
| 1455.300          | n  | (P-15785)            | 750.Ap.C | n  | (P-15035/91; A-203)    |
| 1455.310          | n  | (P-15785)            |          |    | (P-10408)              |
| 1470.95           | n  | (P-18348/91; A-7009) |          |    |                        |
| 1510.10           | n  | (P-12104) (E-12216)  | TITLE 77 |    |                        |
| 1510.20           | n  | (P-12104) (E-12216)  | 205.620  | am | (P-3426)               |
| 1510.30           | n  | (P-12104) (E-12216)  | 250.2720 | n  | (P-2016)               |
| 1510.40           | n  | (P-12104)            | 300.110  | am | (P-2034)               |
| 1510.50           | n  | (P-12104) (E-12216)  | 300.120  | am | (P-4367/91; A-681)     |
| 1510.60           | n  | (P-12104)            | 300.140  | am | (P-2034)               |
| 1510.70           | n  | (P-12104)            | 300.150  | am | (P-2034)               |
|                   |    |                      | 300.330  | am | (P-4367/91; A-681)     |
| TITLE 71          |    |                      |          |    |                        |
| 110.10            | n  | (P-3689)             | 300.620  | am | (P-4367/91; A-681)     |
| 110.20            | n  | (P-3689)             | 300.630  | am | (P-2034)               |
| 110.30            | n  | (P-3689)             | 300.1010 | am | (P-2034)               |
| 110.40            | n  | (P-3689)             | 300.1220 | am | (P-2034)               |
| 110.50            | n  | (P-3689)             | 300.1240 | am | (P-2034)               |
| 110.60            | n  | (P-3689)             | 300.2070 | am | (P-2034)               |
| 110.70            | n  | (P-3689)             | 300.2420 | am | (P-14039/91; A-5977)   |
| 2000.45           | am | (P-1511; A-10068)    | 300.3060 | am | (P-2034)               |
| 2000.100          | am | (P-1511; A-10068)    | 300.3100 | am | (P-2034)               |
| 2000.210          | am | (P-1511; A-10068)    | 300.3310 | am | (P-2034)               |
| 2000.245          | am | (P-1511)             | 300.3710 | am | (P-2034)               |
| 2000.250          | am | (P-1511; A-10068)    | 300.Ap.B | r  | (P-2034)               |
| 2000.320          | am | (P-1511; A-10068)    | 330.110  | am | (P-18407/91; A-14370)  |
| 2000.340          | am | (P-1511; A-10068)    | 330.120  | am | (P-4338/91; A-651)     |
| 2000.410          | am | (P-1511; A-10068)    | 330.140  | am | (P-18407/91; A-14370)  |
| 2000.430          | am | (P-1511; A-10068)    | 330.150  | am | (P-18407/91; A-14370)  |
| 2000.500          | am | (P-1511; A-10068)    | 330.330  | am | (P-4338/91; A-651)     |
| 2000.520          | am | (P-1511; A-10068)    |          |    | (P-18407/91; A-14370)  |
| 2000.540          | am | (P-1511; A-10068)    | 330.1970 | am | (P-18407/91; A-14370)  |
| 2300.10           | n  | (P-2310; A-8178)     | 330.3620 | am | (P-18407/91; A-14370)  |
| 2300.30           | n  | (P-2310; A-8178)     | 330.4310 | am | (P-18407/91; A-14370)  |
| 2300.50           | n  | (P-2310; A-8178)     | 330.4510 | am | (P-18407/91; A-14370)  |
| 2300.70           | n  | (P-2310; A-8178)     | 330.Ap.B | r  | (P-18407/91; A-14370)  |
| 2300.80           | n  | (A-8178)             | 350.120  | am | (P-4280/91; A-594)     |
| 2300.90           | n  | (A-8178)             | 350.140  | am | (P-18357/91; RC-10501; |
|                   |    |                      |          |    | A-13910)               |
| TITLE 74          |    |                      | 350.150  | am | (P-18357/91; RC-10501; |
| 750.10            | am | (P-10408)            |          |    | A-13910)               |
| 750.30            | am | (P-10408)            | 350.330  | am | (P-4280; A-594)        |
| 750.40            | am | (P-15035/91; A-203)  |          |    | (P-18357/91; RC-10501; |
|                   |    | (P-10408)            |          |    | A-13910)               |
| 750.41            | n  | (P-10408)            | 350.370  | am | (P-4791)               |

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| TITLE 77 (CONT'D)    |    |                               | 694. Ap. A       |    |                   | TITLE 77 (CONT'D)    |    |                              | 694. Ap. A       |    |                   |
| 672.450              | am | (P-9424)                      | 694. Ap. B       | r  | (P-13414)         | 770.30               | r  | (P-5885; A-16072)            | 790.830          | am | (P-4782; A-12913) |
| 672.505              | am | (P-9424)                      | 695.10           | am | (P-13472)         | 790.40               | am | (P-15943/91; A-5941; C-7512) | 790.860          | am | (P-4782; A-12913) |
| 672.510              | am | (P-9424)                      | 695.30           | am | (P-13472)         | 790.480              | am | (E-4899)                     | 790.900          | am | (P-4782; A-12913) |
| 672.515              | am | (P-9424)                      | 695.40           | am | (P-13472)         | 790.500              | am | (P-4782; A-12913)            | 790.910          | am | (E-4899)          |
| 672.615              | am | (P-9424)                      | 695.50           | n  | (P-13472)         | 790.540              | am | (E-4899)                     | 790.920          | am | (E-4890)          |
| 672.625              | am | (P-9424)                      | 695. Ap. A       | n  | (P-13472)         | 790.548              | am | (E-4899)                     | 790.980          | am | (P-4782; A-12913) |
| 672. Ap. A           | am | (P-9424)                      | 750.5            | am | (P-5836; A-15995) | 790.580              | am | (P-4782; A-12913)            | 790.1060         | am | (P-4782; A-12913) |
| 682.100              | am | (P-13428)                     | 750.10           | am | (P-5836; A-15995) | 790.600              | am | (P-15943/91; A-5941; C-7512) | 790.1112         | am | (P-4782; A-12913) |
| 682.130              | am | (P-13428)                     | 750.100          | am | (P-5836; A-15995) | 790.660              | am | (E-4899)                     | 790.1120         | am | (E-4899)          |
| 682.140              | am | (P-13428)                     | 750.110          | am | (P-5836; A-15995) | 790.700              | am | (E-4899)                     | 790.1140         | am | (P-4782; A-12913) |
| 682.150              | am | (P-13428)                     | 750.1000         | am | (P-5836; A-15995) | 790.721              | am | (E-4899)                     | 790.1300         | am | (E-4899)          |
| 682.170              | am | (P-13428)                     | 750.2000         | n  | (P-5836; A-15995) | 790.706              | am | (P-4782; A-12913)            | 790.1345         | am | (P-4782; A-12913) |
| 682.195              | n  | (P-13428)                     | 750.2010         | n  | (P-5836; A-15995) | 790.740              | am | (P-4782; A-12913)            | 790.1350         | am | (E-4899)          |
| 682.200              | am | (P-13428)                     | 750.2020         | n  | (P-5836; A-15995) |                      |    |                              |                  |    |                   |
| 682.210              | am | (P-13428)                     | 750.2030         | n  | (P-5836; A-15995) |                      |    |                              |                  |    |                   |
| 682.215              | n  | (P-13428)                     | 750.2031         | n  | (P-5836; A-15995) |                      |    |                              |                  |    |                   |
| 682.230              | am | (P-13428)                     | 750.2032         | n  | (P-5836; A-15995) |                      |    |                              |                  |    |                   |
| 682.250              | am | (P-13428)                     | 750.2040         | n  | (P-5836; A-15995) |                      |    |                              |                  |    |                   |
| 682.260              | am | (P-13428)                     | 750.2041         | n  | (P-5836; A-15995) |                      |    |                              |                  |    |                   |
| 682.320              | am | (P-13428)                     | 750.2042         | n  | (P-5836; A-15995) |                      |    |                              |                  |    |                   |
| 682.410              | am | (P-13428)                     | 750.2050         | n  | (P-5836; A-15995) |                      |    |                              |                  |    |                   |
| 682.420              | am | (P-13428)                     | 750.2060         | n  | (P-5836; A-15995) |                      |    |                              |                  |    |                   |
| 682.450              | am | (P-13428)                     | 750.2070         | n  | (P-5836; A-15995) |                      |    |                              |                  |    |                   |
| 682. Ap. A           | r  | (P-13428)                     | 750.2080         | n  | (P-5836; A-15995) |                      |    |                              |                  |    |                   |
| 682. Ap. B           | r  | (P-13428)                     | 750.3000         | n  | (P-5836; A-15995) |                      |    |                              |                  |    |                   |
| 682. Ap. C           | r  | (P-13428)                     | 750.3100         | n  | (P-5836; A-15995) |                      |    |                              |                  |    |                   |
| 682. Ap. D           | r  | (P-13428)                     | 750.3200         | n  | (P-5836; A-15995) |                      |    |                              |                  |    |                   |
| 682. Ap. E           | r  | (P-13428)                     | 760.15           | am | (P-5861; A-16050) |                      |    |                              |                  |    |                   |
| 682. Ap. F           | r  | (P-13428)                     | 760.20           | am | (P-5861; A-16050) |                      |    |                              |                  |    |                   |
| 682. Ap. G           | r  | (P-13428)                     | 760.100          | am | (P-5861; A-16050) |                      |    |                              |                  |    |                   |
| 682. Ap. H           | r  | (P-13428)                     | 760.110          | am | (P-5861; A-16050) |                      |    |                              |                  |    |                   |
| 682. Ap. I           | r  | (P-13428)                     | 760.900          | am | (P-5861; A-16050) |                      |    |                              |                  |    |                   |
| 682. Ap. J           | r  | (P-13428)                     | 760.2000         | n  | (P-5861; A-16050) |                      |    |                              |                  |    |                   |
| 692.10               | n  | (P-14389/91; A-4052)          | 760.2010         | am | (P-5861; A-16050) | 790.760              | am | (P-4782; A-12913)            | 790.1420         | am | (P-4782; A-12913) |
| 692. Ap. A           | n  | (P-14389/91; A-4052)          | 760.2020         | n  | (P-5861; A-16050) | 790.780              | am | (E-4899)                     | 790.1460         | am | (E-4899)          |
| 692. Ap. B           | n  | (P-14389/91; A-4052)          | 760.2030         | n  | (P-5861; A-16050) | 790.788              | am | (P-4782; A-12913)            | 790.1490         | am | (E-4899)          |
| 693.10               | am | (P-16874/91; RC-4556; A-5921) | 760.2031         | n  | (P-5861; A-16050) |                      |    |                              |                  |    |                   |
|                      |    |                               | 760.2032         | n  | (P-5861; A-16050) |                      |    |                              |                  |    |                   |
|                      |    |                               | 760.2040         | n  | (P-5861; A-16050) |                      |    |                              |                  |    |                   |
| 693.15               | am | (P-16874/91; A-5921)          | 760.2041         | n  | (P-5861; A-16050) |                      |    |                              |                  |    |                   |
| 693.30               | am | (P-16874/91; RC-4556; A-5921) | 760.2042         | n  | (P-5861; A-16050) |                      |    |                              |                  |    |                   |
|                      |    |                               | 760.2050         | n  | (P-5861; A-16050) |                      |    |                              |                  |    |                   |
| 693.40               | am | (P-16874/91; RC-4556; A-5921) | 760.2060         | n  | (P-5861; A-16050) | 790.799              | am | (E-4899)                     | 790.1500         | am | (E-4899)          |
|                      |    |                               | 760.2070         | n  | (P-5861; A-16050) |                      |    |                              |                  |    |                   |
| 693.45               | n  | (P-16874/91; A-5921)          | 760.2080         | n  | (P-5861; A-16050) |                      |    |                              |                  |    |                   |
| 693.100              | am | (P-16874/91; A-5921)          | 760.3000         | n  | (P-5861; A-16050) |                      |    |                              |                  |    |                   |
| 694.20               | am | (P-13414)                     | 760.3100         | n  | (P-5861; A-16050) |                      |    |                              |                  |    |                   |
| 694.100              | am | (P-13414)                     | 760.3200         | n  | (P-5861; A-16050) |                      |    |                              |                  |    |                   |
| 694.110              | am | (P-13414)                     | 770.10           | r  | (P-5885; A-16072) | 790.820              | am | (P-4782; A-12913)            | 790.1570         | am | (P-4782; A-12913) |
| 694.120              | am | (P-13414)                     | 770.20           | r  | (P-5885; A-16072) |                      |    |                              |                  |    |                   |
| 694.220              | am | (P-6972/91; A-5916)           |                  |    |                   |                      |    |                              |                  |    |                   |



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| TITLE 77 (CONT'D)    |                              |                  |    | TITLE 77 (CONT'D)    |                              |                  |                              |
| 790.1660             | am                           | 790.2510         | am | 790.3085             | am                           | 790.3940         | am                           |
|                      | (P-4782; A-12913)            | (E-4899)         |    |                      | (P-4782; A-12913)            | (E-4899)         | (P-4782; A-12913)            |
| 790.1685             | am                           | 790.2540         | am | 790.3100             | am                           |                  |                              |
|                      | (P-4782; A-12913)            | (E-4899)         |    |                      | (P-4782; A-12913)            |                  | (P-4782; A-12913)            |
| 790.1700             | am                           | 790.2580         | am | 790.3260             | am                           | 790.3945         | am                           |
|                      | (P-4782; A-12913)            | (E-4899)         |    |                      | (P-4782; A-12913)            |                  | (E-4899)                     |
| 790.1710             | am                           |                  |    | 790.3300             | am                           |                  |                              |
|                      | (P-4782; A-12913)            | (E-4899)         |    |                      | (P-4782; A-12913)            |                  | (E-8571)                     |
| 790.1740             | am                           | 790.2603         | am | 790.3308             | am                           | 790.3980         | am                           |
|                      | (P-4782; A-12913)            | (E-4899)         |    |                      | (P-4782; A-12913)            |                  | (P-4782; A-12913)            |
| 790.1820             | am                           | 790.2605         | am | 790.3315             | am                           | 790.3996         | am                           |
|                      | (P-4782; A-12913)            | (E-4899)         |    |                      | (P-4782; A-12913)            |                  | (E-4899)                     |
| 790.1830             | n                            | 790.2613         | am | 790.3335             | am                           | 790.4012         | am                           |
|                      | (P-4782; A-12913)            | (E-4899)         |    |                      | (P-4782; A-12913)            |                  | (P-4782; A-12913)            |
| 790.1835             | n                            |                  |    | 790.3340             | am                           | 790.4040         | am                           |
|                      | (P-8329; A-16019)            | (E-4899)         |    |                      | (P-4782; A-12913)            |                  | (P-15943/91; A-5941; C-7512) |
| 790.1860             | am                           | 790.2617         | am | 790.3420             | am                           | 790.4060         | am                           |
|                      | (P-4782; A-12913)            | (E-4899)         |    |                      | (P-4782; A-12913)            |                  | (P-4782; A-12913)            |
| 790.1950             | am                           | 790.2618         | am | 790.3437             | am                           | 790.4100         | am                           |
|                      | (P-15943/91; A-5941; C-7512) | (E-4899)         |    |                      | (P-4782; A-12913)            |                  | (E-4899)                     |
|                      |                              | 790.2620         | am |                      | (P-8329; A-16019)            | 790.4140         | am                           |
| 790.1980             | am                           | 790.2661         | am | 790.3472             | am                           |                  |                              |
|                      | (P-4782; A-12913)            | (E-4899)         |    |                      | (P-4782; A-12913)            |                  | (P-4782; A-12913)            |
| 790.2020             | am                           | 790.2780         | am | 790.3480             | n                            | 790.4173         | am                           |
|                      | (P-4782; A-12913)            | (E-4899)         |    |                      | (P-4782; A-12913)            |                  | (E-4899)                     |
| 790.2060             | am                           | 790.2805         | am | 790.3492             | am                           |                  |                              |
|                      | (P-8329; A-16019)            | (E-8571)         |    |                      | (P-4782; A-12913)            | 790.4180         | am                           |
| 790.2097             | am                           |                  |    | 790.3495             | n                            |                  |                              |
|                      | (P-4782; A-12913)            | (E-8571)         |    |                      | (P-4782; A-12913)            | 790.4220         | am                           |
| 790.2100             | am                           | 790.2900         | am | 790.3540             | am                           |                  |                              |
|                      | (P-4782; A-12913)            | (E-4899)         |    |                      | (P-4782; A-12913)            | 790.4260         | am                           |
| 790.2140             | am                           | 790.2902         | am | 790.3620             | am                           |                  |                              |
|                      | (P-4782; A-12913)            | (E-4899)         |    |                      | (P-4782; A-12913)            | 790.4300         | am                           |
| 790.2155             | am                           | 790.2904         | am | 790.3700             | am                           |                  |                              |
|                      | (P-4782; A-12913)            | (E-4899)         |    |                      | (P-4782; A-12913)            | 790.4385         | am                           |
| 790.2180             | am                           | 790.2980         | am | 790.3742             | am                           |                  |                              |
|                      | (P-4782; A-12913)            | (E-4899)         |    |                      | (P-4782; A-12913)            | 790.4386         | am                           |
| 790.2260             | am                           | 790.3020         | am | 790.3780             | am                           |                  |                              |
|                      | (P-4782; A-12913)            | (E-4899)         |    |                      | (P-4782; A-12913)            | 790.4396         | am                           |
| 790.2380             | am                           | 790.3021         | am | 790.3860             | am                           |                  |                              |
|                      | (P-4782; A-12913)            | (E-4899)         |    |                      | (P-4782; A-12913)            | 790.4398         | am                           |
| 790.2390             | am                           | 790.3027         | am | 790.3875             | n                            |                  |                              |
|                      | (P-4782; A-12913)            | (E-4899)         |    |                      | (P-4782; A-12913)            | 790.4420         | am                           |
| 790.2470             | am                           | 790.3029         | am | 790.3907             | am                           |                  |                              |
|                      | (P-4782; A-12913)            | (E-4899)         |    |                      | (P-4782; A-12913)            | 790.4580         | am                           |
| 790.2485             | am                           | 790.3049         | am | 790.3910             | am                           |                  |                              |
|                      | (P-15943/91; A-5941; C-7512) | (E-4899)         |    |                      | (P-4782; A-12913)            | 790.4620         | am                           |
| 790.2500             | am                           | 790.3054         | am |                      | (P-15943/91; A-5941; C-7512) |                  |                              |



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| 790.4660 am       | (P-4782; A-12913)<br>(E-4899) | 790.5380 am | (P-4782; A-12913)<br>(E-4899) | 790.6180 am | (P-4782; A-12913)<br>(E-4899) |
|                   | (P-8329; A-16019)             |             | C-7512                        |             | (P-8329; A-16019)             |
| 790.4670 am       | (E-8571)                      | 790.5420 am | (P-4782; A-12913)             | 790.6260 am | (P-4782; A-12913)             |
|                   | (E-4899)                      |             | (E-4899)                      |             | (E-4899)                      |
| 790.4680 am       | (P-4782; A-12913)             | 790.5483 am | (P-4782; A-12913)             | 790.6275 am | (P-4782; A-12913)             |
|                   | (E-4899)                      |             | (E-4899)                      |             | (E-4899)                      |
|                   | (P-4782; A-12913)             | 790.5500 am | (P-4782; A-12913)             | 790.6277 am | (P-4782; A-12913)             |
|                   | (E-4899)                      |             | (E-4899)                      |             | (E-4899)                      |
|                   | (P-8329; A-16019)             | 790.5520 am | (P-4782; A-12913)             |             | (P-8329; A-16019)             |
|                   | (E-8571)                      |             | (E-4899)                      |             | (E-8571)                      |
| 790.4700 am       | (P-4782; A-12913)             | 790.5540 am | (P-4782; A-12913)             | 790.6280 r  | (P-4782; A-12913)             |
|                   | (E-4899)                      |             | (E-4899)                      |             | (E-4899)                      |
| 790.4720 am       | (P-4782; A-12913)             | 790.5544 am | (P-4782; A-12913)             | 790.6300 am | (P-4782; A-12913)             |
|                   | (E-4899)                      |             | (E-4899)                      |             | (E-4899)                      |
| 790.4740 am       | (P-4782; A-12913)             | 790.5620 am | (P-4782; A-12913)             | 790.6340 am | (P-4782; A-12913)             |
|                   | (E-4899)                      |             | (E-4899)                      |             | (E-4899)                      |
| 790.4780 am       | (P-4782; A-12913)             | 790.5640 am | (P-4782; A-12913)             | 790.6370 am | (P-4782; A-12913)             |
|                   | (E-4899)                      |             | (E-4899)                      |             | (E-4899)                      |
| 790.4840 am       | (P-4782; A-12913)             | 790.5700 am | (P-4782; A-12913)             |             | (P-4782; A-12913)             |
|                   | (E-4899)                      |             | (E-4899)                      |             | (E-4899)                      |
| 790.4860 am       | (P-4782; A-12913)             | 790.5740 am | (P-4782; A-12913)             |             | (P-4782; A-12913)             |
|                   | (E-4899)                      |             | (E-4899)                      |             | (E-4899)                      |
| 790.4900 am       | (P-4782; A-12913)             | 790.5788 n  | (P-4782; A-12913)             | 790.6375 am | (P-4782; A-12913)             |
|                   | (E-4899)                      |             | (E-4899)                      |             | (E-4899)                      |
|                   | (P-8329; A-16019)             |             | (E-8571)                      | 790.6420 am | (P-4782; A-12913)             |
|                   | (E-8571)                      |             | (E-4899)                      |             | (E-4899)                      |
| 790.4965 am       | (P-4782; A-12913)             | 790.5792 am | (P-4782; A-12913)             | 790.6430 am | (P-8329; A-16019)             |
|                   | (E-4899)                      |             | (E-4899)                      |             | (E-8571)                      |
| 790.4980 am       | (P-4782; A-12913)             | 790.5802 am | (P-4782; A-12913)             | 790.6452 am | (P-4782; A-12913)             |
|                   | (E-4899)                      |             | (E-4899)                      |             | (E-4899)                      |
| 790.5060 am       | (P-4782; A-12913)             | 790.5807 am | (P-4782; A-12913)             | 790.6456 am | (P-4782; A-12913)             |
|                   | (E-4899)                      |             | (E-4899)                      |             | (E-4899)                      |
| 790.5100 am       | (P-4782; A-12913)             | 790.5820 am | (P-4782; A-12913)             | 790.6460 am | (P-4782; A-12913)             |
|                   | (E-4899)                      |             | (E-4899)                      |             | (E-4899)                      |
| 790.5140 am       | (P-4782; A-12913)             | 790.5830 am | (P-4782; A-12913)             | 790.6480 am | (P-4782; A-12913)             |
|                   | (E-4899)                      |             | (E-4899)                      |             | (E-4899)                      |
| 790.5180 am       | (P-4782; A-12913)             | 790.5872 am | (P-4782; A-12913)             | 790.6500 am | (P-4782; A-12913)             |
|                   | (E-4899)                      |             | (E-4899)                      |             | (E-4899)                      |
|                   | (P-15943/91; A-5941; C-7512)  | 790.5900 am | (P-4782; A-12913)             | 790.6540 am | (P-4782; A-12913)             |
|                   | (E-4899)                      |             | (E-4899)                      |             | (E-4899)                      |
| 790.5220 am       | (P-4782; A-12913)             | 790.5940 am | (P-4782; A-12913)             | 790.6570 r  | (P-4782; A-12913)             |
|                   | (E-4899)                      |             | (E-4899)                      |             | (E-4899)                      |
| 790.5300 am       | (P-4782; A-12913)             | 790.5980 am | (P-4782; A-12913)             | 790.6580 am | (P-4782; A-12913)             |
|                   | (E-4899)                      |             | (E-4899)                      |             | (E-4899)                      |
| 790.5312 am       | (P-4782; A-12913)             | 790.6020 r  | (P-4782; A-12913)             | 790.6610 am | (P-8329; A-16019)             |
|                   | (E-4899)                      |             | (E-4899)                      |             | (E-8571)                      |
|                   | (P-15843/91; A-5941; C-7512)  | 790.6140 am | (P-4782; A-12913)             | 790.6670 am | (P-4782; A-12913)             |
|                   | (E-4899)                      |             | (E-4899)                      |             | (E-4899)                      |
| 790.5320 am       | (P-15943/91; A-5941; C-7512)  |             | (P-8329; A-16019)             |             | (E-4899)                      |



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| 790.7400             | am                      | (P-4782; A-12913)<br>(E-4899)   | 790.8540         | am |
|                      |                         | (P-8329; A-16019)<br>(E-8571)   | 790.8580         | am |
| 790.7420             | am                      | (P-4782; A-12913)<br>(E-4899)   |                  |    |
| 790.7500             | am                      | (P-4782; A-12913)<br>(E-4899)   | 790.8620         | am |
| 790.7510             | am                      | (P-4782; A-12913)<br>(E-4899)   | 790.8700         | am |
| 790.7540             | am                      | (P-4782; A-12913)<br>(E-4899)   | 790.8710         | am |
| 790.7580             | am                      | (P-4782; A-12913)<br>(E-4899)   | 790.8724         | am |
| 790.7700             | am                      | (P-4782; A-12913)<br>(E-4899)   | 790.8740         | am |
|                      |                         | (P-8329; A-16019)<br>(E-8571)   | 790.8780         | am |
| 790.7740             | am                      | (P-4782; A-12913)<br>(E-4899)   | 790.8820         | am |
| 790.7820             | am                      | (P-4782; A-12913)<br>(E-4899)   | 790.8900         | am |
| 790.7828             | am                      | (P-4782; A-12913)<br>(E-4899)   | 790.8940         | am |
|                      |                         | (P-15943/91; A-5941;<br>C-7512) | 790.8980         | am |
| 790.7834             | am                      | (P-4782; A-12913)<br>(E-4889)   | 790.9020         | am |
| 790.7860             | am                      | (P-4782; A-12913)<br>(E-4899)   | 790.9035         | am |
| 790.7940             | am                      | (P-4782; A-12913)<br>(E-4899)   | 790.9045         | am |
| 790.7980             | am                      | (P-4782; A-12913)<br>(E-4899)   | 790.9048         | am |
|                      |                         | (P-4782; A-12913)<br>(E-4899)   | 790.9050         | am |
| 790.8015             | am                      | (P-4782; A-12913)<br>(E-4899)   |                  |    |
| 790.8020             | am                      | (P-4782; A-12913)<br>(E-4899)   | 790.9056         | am |
| 790.8030             | am                      | (P-8329; A-16019)<br>(E-8571)   | 790.9060         | am |
| 790.8106             | am                      | (P-4782; A-12913)<br>(E-4899)   | 790.9070         | n  |
| 790.8136             | am                      | (P-4782; A-12913)<br>(E-4899)   | 790.9084         | am |
| 790.8248             | am                      | (P-4782; A-12913)<br>(E-4899)   | 790.9100         | am |
| 790.8300             | am                      | (P-4782; A-12913)<br>(E-4899)   |                  |    |
| 790.8420             | am                      | (P-4782; A-12913)<br>(E-4899)   |                  |    |

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| 790.9140             | am                      | (P-4782; A-12913) | 830.885          | am |
|                      |                         | (E-4899)          | 830.890          | am |
| 790.9180             | am                      | (P-4782; A-12913) | 830.900          | am |
|                      |                         | (E-4899)          | 840.20           | am |
| 790.9220             | am                      | (P-4782; A-12913) | 840.115          | am |
|                      |                         | (E-4899)          | 840.210          | am |
| 790.9260             | am                      | (P-4782; A-12913) | 840.215          | am |
|                      |                         | (E-4899)          | 840.305          | am |
| 790.9300             | am                      | (P-4782; A-12913) | 840.310          | am |
|                      |                         | (E-4899)          | 840. Ap.B        | am |
| 790.9340             | am                      | (P-4782; A-12913) | .Ex.A            | am |
|                      |                         | (E-4899)          | .II.A            | r  |
| 790.9380             | am                      | (P-4782; A-12913) | .Ex.B            | n  |
|                      |                         | (E-4899)          | .II.B            | r  |
| 790.9420             | am                      | (P-4782; A-12913) | 840. Ap.C        | am |
|                      |                         | (E-4899)          | .Ex.B            | am |
| 790.9460             | am                      | (P-4782; A-12913) | 845.10           | am |
|                      |                         | (E-4899)          | 845.15           | n  |
| 790.9500             | am                      | (P-4782; A-12913) | 845.20           | am |
|                      |                         | (E-4899)          | 845.23           | n  |
| 790.9520             | am                      | (P-4782; A-12913) | 845.25           | n  |
|                      |                         | (E-4899)          | 845.26           | n  |
| 790.9530             | am                      | (P-4782; A-12913) | 845.28           | n  |
|                      |                         | (E-4899)          | 845.29           | n  |
| 790.9580             | am                      | (P-4782; A-12913) | 845.30           | am |
|                      |                         | (E-4899)          | 845.40           | am |
| 795.10               | n                       | (P-8136)          | 845.50           | am |
| 795.20               | n                       | (P-8136)          | 845.60           | am |
| 795.30               | n                       | (P-8136)          | 845. Ap.A        | n  |
| 795.40               | n                       | (P-8136)          | Ex.A             | n  |
| 795.50               | n                       | (P-8136)          | Ex.B             | n  |
| 795.60               | n                       | (P-8136)          | Ex.C             | n  |
| 795.70               | n                       | (P-8136)          | 845. Ap.B        | n  |
| 795.80               | n                       | (P-8136)          | 845. Ap.C        | n  |
| 795.90               | n                       | (P-8136)          | 845. Ap.D        | n  |
| 795.100              | n                       | (P-8136)          | .II.A            | n  |
| 795.110              | n                       | (P-8136)          | .II.B            | n  |
| 795.120              | n                       | (P-8136)          | 845. Ap.E        | n  |
| 795.130              | n                       | (P-8136)          | 900.10           | am |
| 795.140              | n                       | (P-8136)          | 900.30           | am |
| 795.150              | n                       | (P-8136)          | 900.40           | am |
| 795.160              | n                       | (P-8136)          | 900.50           | am |
| 795.170              | n                       | (P-8136)          | 900.60           | am |
| 795.180              | n                       | (P-8136)          | 900.65           | am |
| 795.190              | n                       | (P-8136)          | 900.70           | am |
| 795.200              | n                       | (P-8136)          | 900.7b.E         | n  |
| 795.210              | n                       | (P-8136)          | 900.7b.F         | n  |
| 795.220              | n                       | (P-8136)          | 900.7b.G         | n  |
|                      |                         | (P-8136)          | 900.7b.H         | n  |
| 830.10               | am                      | (P-2092; A-11612) | 900.7b.I         | n  |
| 830.880              | am                      | (P-2092; A-11612) | 900. Ex.A        | n  |







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| 2030.1010            | r | (P-9153/91; A-2530) | 2032.20                 | r  | (P-9218/91; A-2533) |
| 2030.1010            | n | (P-9083/91; A-2457) | 2032.25                 | r  | (P-9218/91; A-2533) |
| 2030.1020            | n | (P-9153/91; A-2530) | 2032.30                 | r  | (P-9218/91; A-2533) |
| 2030.1020            | n | (P-9083/91; A-2457) | 2032.35                 | r  | (P-9218/91; A-2533) |
| 2030.1030            | r | (P-9153/91; A-2530) | 2032.40                 | r  | (P-9218/91; A-2533) |
| 2030.1030            | n | (P-9083/91; A-2457) | 2032.45                 | r  | (P-9218/91; A-2533) |
| 2030.1040            | r | (P-9153/91; A-2530) | 2032.50                 | r  | (P-9218/91; A-2533) |
| 2030.1040            | n | (P-9083/91; A-2457) | 2032.55                 | r  | (P-9218/91; A-2533) |
| 2030.1050            | n | (P-9083/91; A-2457) | 2032.60                 | r  | (P-9218/91; A-2533) |
| 2030.1060            | n | (P-9083/91; A-2457) | 2056.1                  | am | (P-4567; A-15917)   |
| 2030.1070            | n | (P-9083/91; A-2457) | 2056.5                  | am | (P-4567; A-15917)   |
| 2030.1080            | n | (P-9083/91; A-2457) | 2056.15                 | am | (P-4567; A-15917)   |
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| 2030.1110            | n | (P-9083/91; A-2457) | 2056.50                 | am | (P-4567; A-15917)   |
| 2030.1120            | r | (P-9153/91; A-2530) | 2056.55                 | am | (P-4567; A-15917)   |
| 2030.1120            | n | (P-9083/91; A-2457) | 2056.60                 | am | (P-4567; A-15917)   |
| 2030.1130            | n | (P-9153/91; A-2530) | 2056.61                 | am | (P-4567; A-15917)   |
| 2030.1130            | n | (P-9083/91; A-2457) | 2056.65                 | #  | (P-4567; A-15917)   |
| 2030.1140            | r | (P-9153/91; A-2530) | 2056.70                 | #  | (P-4567; A-15917)   |
| 2030.1140            | n | (P-9083/91; A-2457) | 2056.75                 | am | (P-4567; A-15917)   |
| 2030.1150            | n | (P-9083/91; A-2457) | 2056.210                | am | (P-4567; A-15917)   |
| 2030.1160            | n | (P-9083/91; A-2457) | 2056.215                | am | (P-4567; A-15917)   |
| 2030.1205            | n | (P-9083/91; A-2457) | 2056.301                | #  | (P-4567; A-15917)   |
| 2030.1210            | n | (P-9153/91; A-2530) | 2056.301                | am | (P-4567; A-15917)   |
| 2030.1210            | n | (P-9083/91; A-2457) | 2056.303                | #  | (P-4567; A-15917)   |
| 2030.1215            | n | (P-9083/91; A-2457) | 2056.303                | am | (P-4567; A-15917)   |
| 2030.1220            | n | (P-9153/91; A-2530) | 2056.305                | am | (P-4567; A-15917)   |
| 2030.1220            | n | (P-9083/91; A-2457) | 2056.310                | am | (P-4567; A-15917)   |
| 2030.1225            | r | (P-9153/91; A-2530) | 2056.315                | am | (P-4567; A-15917)   |
| 2030.1225            | n | (P-9083/91; A-2457) | 2056.320                | am | (P-4567; A-15917)   |
| 2030.1230            | n | (P-9153/91; A-2530) | 2056.325                | am | (P-4567; A-15917)   |
| 2030.1230            | n | (P-9083/91; A-2457) | 2056.330                | am | (P-4567; A-15917)   |
| 2030.1240            | r | (P-9153/91; A-2530) | 2056.405                | am | (P-4567; A-15917)   |
| 2030.1245            | n | (P-9083/91; A-2457) | 2056.410                | am | (P-4567; A-15917)   |
| 2030.1250            | r | (P-9153/91; A-2530) | 2056.415                | am | (P-4567; A-15917)   |
| 2030.1250            | n | (P-9083/91; A-2457) | 2056.420                | am | (P-4567; A-15917)   |
| 2030.1255            | n | (P-9083/91; A-2457) | 2056.500                | am | (P-4567; A-15917)   |
| 2030.1260            | n | (P-9153/91; A-2530) | 2056.505                | am | (P-4567; A-15917)   |
| 2030.1265            | n | (P-9083/91; A-2457) | 2056.510                | r  | (P-4567; A-15917)   |
| 2030.1270            | r | (P-9153/91; A-2530) | 2056.525                | am | (P-4567; A-15917)   |
| 2030.1310            | r | (P-9153/91; A-2530) | 2056.600                | am | (P-4567; A-15917)   |
| 2030.1310            | n | (P-9083/91; A-2457) | 2056.601                | n  | (P-4567; A-15917)   |
| 2030.1320            | r | (P-9153/91; A-2530) | 2056.603                | n  | (P-4567; A-15917)   |
| 2030.1320            | n | (P-9083/91; A-2457) | 2056.605                | am | (P-4567; A-15917)   |
| 2030.1330            | r | (P-9153/91; A-2530) | 2056.607                | n  | (P-4567; A-15917)   |

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| 2056.615 r           | (P-4567; A-15917)       | 302.822 am (E-11645; O-13371)   |
| 2056.620 n           | (P-4567; A-15917)       | 303.102 am (P-8675; A-13489)    |
| 2056.625 n           | (P-4567; A-15917)       | 303.115 n (P-327; A-8368)       |
| 2056.630 n           | (P-4567; A-15917)       | 303.125 am (P-327; A-8368)      |
| 2056.635 n           | (P-4567; A-15917)       | 303.175 n (P-327; A-8368)       |
| 2056.640 n           | (P-4567; A-15917)       | 303.290 am (P-327; A-8368)      |
| 2056.645 n           | (P-4567; A-15917)       | 303.385 n (P-327; A-8368)       |
| 2056.650 n           | (P-4567; A-15917)       | 304.51 n (P-334; RC-10499)      |
| 2056.655 n           | (P-4567; A-15917)       | 310.100 am (P-342; A-8382)      |
| 2056.660 n           | (P-4567; A-15917)       | (E-711)                         |
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| 2080.30 am           | (P-11367)               | 310.230 am (P-342; A-8382)      |
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| 2510.50 am           | (P-17444/91; A-8980)    | 310.Ap.C am (P-14001) (E-14452) |
| 2510.60 am           | (P-17444/91; A-8980)    | 310.Ap.D am (P-14001) (E-14452) |
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| .Tb.Z am          | (P-342; A-8382)       | 757.225 n         | (P-6542)              |
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| 420.330 am        | (P-15342)             | 757.240 n         | (P-6542)              |
| 620.130 am        | (P-11724) (P-12409)   | 757.245 n         | (P-6542)              |
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| 1650.240 am       | (P-12384)             | 770.10 n          | (P-3242)              |
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| 1650.410 am       | (P-12384)             | 785.10 n          | (P-17427/91; A-11009) |
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| 1650.460 am       | (P-12384)             | 785.20 n          | (P-17427/91; A-11009) |
| 1650.510 am       | (P-12384)             | 785.25 n          | (P-17427/91; A-11009) |
| 1650.520 am       | (P-12384)             | 785.30 n          | (P-17427/91; A-11009) |
| 1650.570 am       | (P-12384)             | 785.35 n          | (P-17427/91; A-11009) |
| 1650.620 am       | (P-12384)             | 785.40 n          | (P-17427/91; A-11009) |
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| 2120.220 am       | (P-12074/91; A-13811) | 130.220 am        | (P-14554)             |
| 2120.310 am       | (P-12074/91; A-13811) | 130.310 am        | (P-15013/91; A-1642)  |
| 2120.440 am       | (P-12074/91; A-13811) | 150.Tb.A am       | (P-14563) (E-14889)   |
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| 3000.230  | am | (P-3802; A-13310)   | 112.127 | am | (P-13195)             |
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| 3000.270  | am | (P-3802; A-13310)   | 112.154 | r  | (P-14522)             |
| 3000.420  | am | (P-3802; A-13310)   | 112.300 | am | (P-18062/91; A-9972)  |
| 3000.510  | am | (P-3802; A-13310)   | 112.330 | am | (P-15277)             |
| 3000.620  | am | (P-3802; A-13310)   | 112.400 | am | (P-16596/91; A-11550) |
| 3000.625  | am | (P-3802; A-13310)   | 113.9   | am | (P-13383) (E-13641)   |
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| 3000.1010 | am | (P-3802; A-13310)   | 113.108 | r  | (P-16610/91; A-11565) |
| 3000.1070 | am | (P-3802; A-13310)   | 113.109 | r  | (P-16610/91; A-11565) |
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|           |    |                     | 113.154 | r  | (P-14999)             |
|           |    |                     | 113.253 | am | (P-18073/91; A-9986)  |
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|           |    |                     | 113.400 | n  | (P-14994/91; A-3468)  |
|           |    |                     | 113.405 | n  | (P-14994/91; A-3468)  |
|           |    |                     | 113.410 | n  | (P-14994/91; A-3468)  |
|           |    |                     |         | am | (P-14533) (E-14722)   |
|           |    |                     | 113.415 | n  | (P-14994/91; A-3468)  |
|           |    |                     | 113.420 | n  | (P-14994/91; A-3468)  |
|           |    |                     | 113.425 | n  | (P-14994/91; A-3468)  |
|           |    |                     | 113.430 | n  | (P-14994/91; A-3468)  |
|           |    |                     | 113.435 | n  | (P-14994/91; A-3468)  |
|           |    |                     | 113.440 | #  | (P-14994/91; A-3468)  |
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|         |    | (P-15810) (E-16276)   | 120.211 | r  | (P-12137/91; A-139)   |
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|         |    | (P-15810) (E-16276)   | 120.216 | r  | (P-12137/91; A-139)   |
| 114.122 | r  | (P-15008/91; A-3512)  | 120.217 | r  | (P-12137/91; A-139)   |
| 114.123 | r  | (P-15008/91; A-3512)  | 120.218 | r  | (P-12137/91; A-139)   |
| 114.124 | am | (P-15008/91; A-3512)  | 120.224 | r  | (P-12137/91; A-139)   |
|         |    | (P-15810) (E-16276)   | 120.225 | r  | (P-12137/91; A-139)   |
| 114.125 | r  | (P-15810) (E-16276)   | 120.230 | r  | (P-12137/91; A-139)   |
| 114.126 | r  | (P-15810) (E-16276)   | 120.235 | r  | (P-12137/91; A-139)   |
| 114.127 | r  | (P-15810) (E-16276)   | 120.236 | r  | (P-12137/91; A-139)   |
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|         |    | (E-4540)              | 120.245 | r  | (P-12137/91; A-139)   |
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| 114.129 | r  | (P-15810) (E-16276)   | 120.255 | r  | (P-12137/91; A-139)   |
| 114.130 | r  | (P-15810) (E-16276)   | 120.260 | r  | (P-12137/91; A-139)   |
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| 114.351 | am | (P-11401) (E-11662)   | 120.272 | r  | (P-12137/91; A-139)   |
|         |    | (P-13766)             | 120.273 | r  | (P-12137/91; A-139)   |
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| 114.400 | am | (P-15008/91; A-3512)  | 120.282 | r  | (P-12137/91; A-139)   |
| 114.420 | am | (P-15008/91; A-3512)  | 120.283 | r  | (P-12137/91; A-139)   |
|         |    | (P-15008)             | 120.284 | r  | (P-12137/91; A-139)   |
|         |    | (P-15287)             | 120.285 | r  | (P-12137/91; A-139)   |
| 114.430 | am | (P-14538) (E-14769)   | 120.290 | r  | (P-12137/91; A-139)   |
| 114.440 | n  | (P-17897/91; A-10291) | 120.295 | r  | (P-12137/91; A-139)   |
| 115.10  | am | (P-17897/91; A-10291) | 120.319 | am | (P-12137/91; A-139)   |
| 115.30  | am | (P-17897/91; A-10291) | 120.320 | am | (P-12137/91; A-139)   |
| 115.34  | am | (P-17897/91; A-10291) | 120.321 | am | (P-12137/91; A-139)   |
| 115.40  | am | (P-13764) (E-13961)   | 120.322 | am | (P-12137/91; A-139)   |
| 116.400 | am | (P-16623/91; A-5350)  | 120.323 | am | (P-12137/91; A-139)   |
| 116.500 | am | (P-13764) (E-13961)   | 120.382 | am | (P-16625/91; A-11582) |
|         |    | (P-16623/91; A-5350)  | 120.384 | am | (P-7761)              |
| 116.520 | am | (P-13764) (E-13961)   | 120.385 | r  | (P-14544)             |
| 117.10  | am | (P-8938)              | 120.390 | am | (P-16625/91; A-11582) |
| 118.200 | am | (P-17040/91; A-11607) | 120.391 | am | (P-16625/91; A-11582) |
| 120.11  | am | (P-16625/91; A-11582) | 121.3   | am | (P-13385)             |
| 120.31  | am | (P-16625/91; A-11582) | 121.23  | r  | (P-15813) (E-16221)   |
| 120.50  | r  | (P-12137/91; A-139)   | 121.24  | r  | (P-15813) (E-16221)   |
| 120.60  | am | (P-16625/91; A-11582) | 121.25  | am | (P-8898) (E-16221)    |
| 120.64  | am | (P-16625/91; A-11582) | 121.26  | r  | (P-15813) (E-16221)   |

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| 121.28            | r  | (P-15813) (E-16221)     | 140.82            | n  | (P-15019) (E-15109)                     |
| 121.29            | r  | (P-15813) (E-16221)     | 140.84            | n  | (P-15019) (E-15109)                     |
| 121.34            | am | (P-8039)                | 140.94            | am | (P-15933/91; A-6408)                    |
| 121.41            | am | (P-13385)               | 140.95            | n  | (P-15019) (E-15109)                     |
| 121.58            | am | (P-2420; A-10011)       | 140.95            | am | (P-15933/91; A-6408)                    |
| 121.59            | am | (P-13385)               | 140.95            | am | (P-15019) (E-15109)                     |
| 121.60            | am | (PP-16345)              | 140.420           | am | (P-10145; W-14476)                      |
| 121.61            | am | (PP-16345)              | 140.421           | am | (P-7576) (P-10145; W-14476)             |
| 121.63            | am | (E-757) (P-6708)        | 140.413           | am | (P-6719)                                |
|                   |    | (P-18086; A-10011)      | 140.440           | am | (P-12171/91; A-4006)                    |
|                   |    | (P-6708; A-13900)       | 140.441           | am | (P-12171/91; A-4006)                    |
|                   |    | (PP-16345)              | 140.442           | am | (P-12171/91; A-4006)                    |
|                   |    | (P-2420; A-10011)       | 140.449           | am | (P-12171/91; A-4006)                    |
| 121.72            | am | (P-13385)               | 140.469           | am | (P-13685/91; A-3552)                    |
| 121.73            | am | (P-14186/91; A-10011)   | 140.492           | am | (P-13397)                               |
| 121.91            | am | (P-14999/91; A-10011)   | 140.512           | am | (P-13274/91; A-6849)                    |
| 121.94            | am | (P-15813) (E-16221)     | 140.513           | r  | (P-13274/91; A-6849)                    |
| 121.160           | n  | (P-15813) (E-16221)     | 140.514           | am | (P-11555/91; A-4006)                    |
| 121.162           | n  | (P-15813) (E-16221)     | 140.525           | am | (P-13211) (E-13337)                     |
| 121.164           | n  | (P-15813) (E-16221)     | 140.526           | r  | (P-472; W-14477)                        |
| 121.166           | n  | (P-15813) (E-16221)     |                   |    | (P-9393)                                |
| 121.170           | n  | (P-15813) (E-16221)     | 140.527           | r  | (P-472; W-14477)                        |
| 121.172           | n  | (P-15813) (E-16221)     | 140.528           | r  | (P-9393)                                |
| 121.174           | n  | (P-15813) (E-16221)     | 140.529           | r  | (P-472; W-14477)                        |
| 121.176           | n  | (P-15813) (E-16221)     |                   |    | (P-9393)                                |
| 121.178           | n  | (P-15813) (E-16221)     | 140.530           | am | (P-15933/91; A-6408)                    |
| 121.180           | n  | (P-15813) (E-16221)     | 140.538           | am | (P-15933/91; A-6408)                    |
| 121.182           | n  | (P-15813) (E-16221)     |                   |    | (P-13211) (E-13337)                     |
| 121.184           | n  | (P-15813) (E-16221)     | 140.539           | am | (P-472; A-11174)                        |
| 121.186           | n  | (P-15813) (E-16221)     | 140.543           | am | (P-3045; A-12186)                       |
| 121.188           | n  | (P-15813) (E-16221)     | 140.552           | am | (P-15933/91; A-6408)                    |
| 121.190           | n  | (P-15813) (E-16221)     | 140.560           | am | (P-5585/91; A-7017)                     |
| 130.200           | am | (P-6931; A-13292)       |                   |    | (P-12838)                               |
| 140.2             | am | (P-17171/91; A-174)     | 140.561           | am | (P-7482/91; A-3552)                     |
|                   |    | (P-6936)                | 140.562           | am | (P-15933/91; A-6408)                    |
| 140.5             | am | (P-17171/91; A-174)     | 140.565           | n  | (P-1492; A-12186)                       |
| 140.11            | am | (P-6949/91; A-3552)     | 140.566           | am | (P-4708; A-15561)                       |
| 140.12            | am | (P-12116)               | 140.569           | am | (P-15933/91; A-6408; RQ-9138; EC-11348) |
| 140.13            | am | (P-4708)                | 140.570           | am | (P-12838)                               |
| 140.14            | am | (P-4708)                | 140.571           | am | (P-12838)                               |
| 140.15            | am | (P-7775)                | 140.572           | am | (P-12838)                               |
| 140.16            | am | (P-4708) (P-8047)       | 140.574           | am | (P-12838)                               |
| 140.17            | am | (P-8047)                | 140.579           | am | (P-3409; A-12186)                       |
| 140.19            | am | (P-4708)                |                   |    | (P-12838)                               |
| 140.27            | am | (P-65; A-10050) (E-300) |                   |    |   |
| 140.31            | n  | (P-4708) (P-11721)      |                   |    |   |
|                   |    | (E-11947)               |                   |    |   |
| 140.32            | n  | (P-4708)                |                   |    |   |
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| 140.581           | r  | (P-12838)            | 141.150           | r | (P-12132/91; A-7922) |
| 140.583           | am | (P-15933/91; A-6408) | 141.1520          | r | (P-12132/91; A-7922) |
| 140.600           | n  | (P-472; W-14477)     | 141.1560          | r | (P-12132/91; A-7922) |
| 140.602           | n  | (P-472; W-14477)     | 141.1600          | r | (P-12132/91; A-7922) |
| 140.604           | n  | (P-472; W-14477)     | 141.1640          | r | (P-12132/91; A-7922) |
| 140.606           | n  | (P-472; W-14477)     | 141.1680          | r | (P-12132/91; A-7922) |
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| 140.610           | n  | (P-472; W-14477)     | 141.1760          | r | (P-12132/91; A-7922) |
| 140.612           | n  | (P-472; W-14477)     | 141.1800          | r | (P-12132/91; A-7922) |
| 140.614           | n  | (P-472; W-14477)     | 141.1840          | r | (P-12132/91; A-7922) |
| 140.646           | am | (P-6949/91; A-1877)  | 141.1880          | r | (P-12132/91; A-7922) |
| 140.700           | am | (P-7576)             | 141.1920          | r | (P-12132/91; A-7922) |
| 140.835           | r  | (P-15933/91; A-6408) | 141.1960          | r | (P-12132/91; A-7922) |
| 140.7b.J          | r  | (P-12838)            | 141.2000          | r | (P-12132/91; A-7922) |
| 140.7b.K          | am | (P-15296)            | 141.2040          | r | (P-12132/91; A-7922) |
| 141.10            | r  | (P-12132/91; A-7922) | 141.2080          | r | (P-12132/91; A-7922) |
| 141.100           | r  | (P-12132/91; A-7922) | 141.2120          | r | (P-12132/91; A-7922) |
| 141.200           | r  | (P-12132/91; A-7922) | 141.2160          | r | (P-12132/91; A-7922) |
| 141.240           | r  | (P-12132/91; A-7922) | 141.2200          | r | (P-12132/91; A-7922) |
| 141.280           | r  | (P-12132/91; A-7922) | 141.2240          | r | (P-12132/91; A-7922) |
| 141.320           | r  | (P-12132/91; A-7922) | 141.2280          | r | (P-12132/91; A-7922) |
| 141.360           | r  | (P-12132/91; A-7922) | 141.2320          | r | (P-12132/91; A-7922) |
| 141.400           | r  | (P-12132/91; A-7922) | 141.2360          | r | (P-12132/91; A-7922) |
| 141.440           | r  | (P-12132/91; A-7922) | 141.2400          | r | (P-12132/91; A-7922) |
| 141.480           | r  | (P-12132/91; A-7922) | 141.2440          | r | (P-12132/91; A-7922) |
| 141.520           | r  | (P-12132/91; A-7922) | 141.2480          | r | (P-12132/91; A-7922) |
| 141.560           | r  | (P-12132/91; A-7922) | 141.2520          | r | (P-12132/91; A-7922) |
| 141.600           | r  | (P-12132/91; A-7922) | 141.2560          | r | (P-12132/91; A-7922) |
| 141.640           | r  | (P-12132/91; A-7922) | 141.2600          | r | (P-12132/91; A-7922) |
| 141.680           | r  | (P-12132/91; A-7922) | 141.2640          | r | (P-12132/91; A-7922) |
| 141.720           | r  | (P-12132/91; A-7922) | 141.2680          | r | (P-12132/91; A-7922) |
| 141.760           | r  | (P-12132/91; A-7922) | 141.2720          | r | (P-12132/91; A-7922) |
| 141.800           | r  | (P-12132/91; A-7922) | 141.2760          | r | (P-12132/91; A-7922) |
| 141.840           | r  | (P-12132/91; A-7922) | 141.2800          | r | (P-12132/91; A-7922) |
| 141.880           | r  | (P-12132/91; A-7922) | 141.2840          | r | (P-12132/91; A-7922) |
| 141.920           | r  | (P-12132/91; A-7922) | 141.2880          | r | (P-12132/91; A-7922) |
| 141.960           | r  | (P-12132/91; A-7922) | 141.2920          | r | (P-12132/91; A-7922) |
| 141.1000          | r  | (P-12132/91; A-7922) | 141.2960          | r | (P-12132/91; A-7922) |
| 141.1040          | r  | (P-12132/91; A-7922) | 141.3000          | r | (P-12132/91; A-7922) |
| 141.1080          | r  | (P-12132/91; A-7922) | 141.3040          | r | (P-12132/91; A-7922) |
| 141.1120          | r  | (P-12132/91; A-7922) | 141.3080          | r | (P-12132/91; A-7922) |
| 141.1125          | r  | (P-12132/91; A-7922) | 141.3120          | r | (P-12132/91; A-7922) |
| 141.1160          | r  | (P-12132/91; A-7922) | 141.3160          | r | (P-12132/91; A-7922) |
| 141.1200          | r  | (P-12132/91; A-7922) | 141.3200          | r | (P-12132/91; A-7922) |
| 141.1240          | r  | (P-12132/91; A-7922) | 141.3240          | r | (P-12132/91; A-7922) |
| 141.1280          | r  | (P-12132/91; A-7922) | 141.3280          | r | (P-12132/91; A-7922) |
| 141.1320          | r  | (P-12132/91; A-7922) | 141.3320          | r | (P-12132/91; A-7922) |
| 141.1360          | r  | (P-12132/91; A-7922) | 141.3360          | r | (P-12132/91; A-7922) |
| 141.1400          | r  | (P-12132/91; A-7922) | 141.3400          | r | (P-12132/91; A-7922) |
|                   |    |                      | 141.3440          | r | (P-12132/91; A-7922) |



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| 141.3560             | r  | (P-12132/91; A-7922) | 147.305                 | am | (P-8906)                     | (P-8906)                    |
| 141.3600             | r  | (P-12132/91; A-7922) | 147.310                 | am | (P-8906)                     | (P-8906)                    |
| 141.3640             | r  | (P-12132/91; A-7922) | 147.315                 | am | (P-8906)                     | (P-8906)                    |
| 141.3680             | r  | (P-12132/91; A-7922) | 147.320                 | am | (P-8906)                     | (P-8906)                    |
| 141.3720             | r  | (P-12132/91; A-7922) | 147.325                 | am | (P-8906)                     | (P-8906)                    |
| 141.3760             | r  | (P-12132/91; A-7922) | 147.340                 | am | (P-8906)                     | (P-8906)                    |
| 141.3800             | r  | (P-12132/91; A-7922) | 147.345                 | am | (P-8906)                     | (P-8906)                    |
| 141.3840             | r  | (P-12132/91; A-7922) | 147.350                 | am | (P-8906)                     | (P-8906)                    |
| 141.3880             | r  | (P-12132/91; A-7922) | 147.7b.A                | am | (P-7501/91; A-4035)          | (P-15940/91; A-6479)        |
| 141.3920             | r  | (P-12132/91; A-7922) | 147.7b.B                | am | (P-7501/91; A-4035)          | (P-15940/91; A-6479)        |
| 141.3960             | r  | (P-12132/91; A-7922) | 147.7b.D                | am | (P-15940/91; A-6479)         | (P-4218; RC-10500; A-14233) |
| 141.4000             | r  | (P-12132/91; A-7922) | 147.7b.E                | am | (P-4218; RC-10500; A-14233)  | (P-4218; RC-10500; A-14233) |
| 141.4040             | r  | (P-12132/91; A-7922) | 147.7b.G                | am | (P-4218; RC-10500; A-14233)  | (P-4218; RC-10500; A-14233) |
| 141.4080             | r  | (P-12132/91; A-7922) | 147.7b.L                | n  | (P-4218; RC-10500; A-14233)  | (P-4218; RC-10500; A-14233) |
| 141.4120             | r  | (P-12132/91; A-7922) | 148.20                  | am | (P-15928/91; A-6255)         | (P-11719) (E-11942)         |
| 141.4160             | r  | (P-12132/91; A-7922) | 148.25                  | n  | (P-14540) (E-14778)          | (P-14540) (E-14778)         |
| 141.4200             | r  | (P-12132/91; A-7922) | 148.30                  | am | (P-14540) (E-14778)          | (P-14540) (E-14778)         |
| 141.4230             | r  | (P-12132/91; A-7922) | 148.40                  | am | (P-15928/91; A-6255)         | (P-15928/91; A-6255)        |
| 141.4280             | r  | (P-12132/91; A-7922) | 148.50                  | am | (P-14540) (E-14778)          | (P-14540) (E-14778)         |
| 141.4320             | r  | (P-12132/91; A-7922) | 148.60                  | am | (P-15928/91; A-6255)         | (P-15928/91; A-6255)        |
| 141.4360             | r  | (P-12132/91; A-7922) | 148.70                  | am | (P-14540) (E-14778)          | (P-14540) (E-14778)         |
| 141.4400             | r  | (P-12132/91; A-7922) | 148.80                  | am | (P-15928/91; A-6255)         | (P-15928/91; A-6255)        |
| 141.4440             | r  | (P-12132/91; A-7922) | 148.82                  | n  | (E-11335)                    | (P-12826)                   |
| 141.4480             | r  | (P-12132/91; A-7922) | 148.90                  | r  | (P-15928/91; A-6255)         | (P-15928/91; A-6255)        |
| 141.4520             | r  | (P-12132/91; A-7922) | 148.100                 | r  | (P-15928/91; A-6255)         | (P-15928/91; A-6255)        |
| 141.4560             | r  | (P-12132/91; A-7922) | 148.110                 | r  | (P-15928/91; A-6255)         | (P-15928/91; A-6255)        |
| 141.4600             | r  | (P-12132/91; A-7922) | 148.120                 | am | (P-15928/91; A-6255)         | (P-15928/91; A-6255)        |
| 141.4640             | r  | (P-12132/91; A-7922) | 148.130                 | am | (P-14540) (E-14778)          | (P-14540) (E-14778)         |
| 141.4680             | r  | (P-12132/91; A-7922) | 148.140                 | am | (P-15928/91; A-6255)         | (P-15928/91; A-6255)        |
| 141.4720             | r  | (P-12132/91; A-7922) | 148.140                 | am | (P-1786) (P-14540) (E-14778) | (P-1786) (P-14540)          |
| 141.4760             | r  | (P-12132/91; A-7922) | 148.150                 | am | (P-15928/91; A-6255)         | (P-15928/91; A-6255)        |
| 141.4800             | r  | (P-12132/91; A-7922) | 148.160                 | am | (P-15928/91; A-6255)         | (P-15928/91; A-6255)        |
| 144.275              | am | (P-15926/91; A-5898) | 147.25                  | am | (P-4218; RC-10500; A-14233)  | (P-4218; RC-10500; A-14233) |
| 144.300              | n  | (P-7455/91; A-3497)  | 147.50                  | am | (P-4218; RC-10500; A-14233)  | (P-4218; RC-10500; A-14233) |
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| 144.350              | n  | (P-5806; W-14475)    | 147.100                 | am | (P-5806; W-14475)            | (P-5806; W-14475)           |
| 144.375              | n  | (P-5806; W-14475)    |                         |    | (P-5806; W-14475)            | (P-5806; W-14475)           |
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|                      | (P-14540) (E-14778)     | r                |
|                      | (P-15928/91; A-6255)    | r                |
| 148.190              | am                      | 149.225          |
|                      | (P-14540) (E-14778)     | r                |
|                      | (P-15928/91; A-6255)    | r                |
| 148.200              | am                      | 149.250          |
|                      | (P-14540) (E-14778)     | r                |
|                      | (P-15928/91; A-6255)    | r                |
| 148.210              | am                      | 149.275          |
|                      | (P-14540) (E-14778)     | r                |
|                      | (P-15928/91; A-6255)    | r                |
| 148.220              | am                      | 149.300          |
|                      | (P-14540) (E-14778)     | r                |
|                      | (P-15928/91; A-6255)    | r                |
| 148.230              | am                      | 149.325          |
|                      | (P-14540) (E-14778)     | r                |
|                      | (P-15928/91; A-6255)    | r                |
| 148.240              | am                      | 150.10           |
|                      | (P-14540) (E-14778)     | n                |
|                      | (P-15928/91; A-6255)    | n                |
| 148.250              | am                      | 150.20           |
|                      | (P-14540) (E-14778)     | n                |
|                      | (P-15928/91; A-6255)    | n                |
| 148.260              | am                      | 150.30           |
|                      | (P-14540) (E-14778)     | n                |
|                      | (P-15928/91; A-6255)    | n                |
| 148.270              | am                      | 150.40           |
|                      | (P-14540) (E-14778)     | n                |
|                      | (P-15928/91; A-6255)    | n                |
| 148.280              | am                      | 150.50           |
|                      | (P-14540) (E-14778)     | n                |
|                      | (P-15928/91; A-6255)    | n                |
| 148.290              | am                      | 150.60           |
|                      | (P-14540) (E-14778)     | n                |
|                      | (P-15928/91; A-6255)    | n                |
| 148.300              | am                      | 150.70           |
|                      | (P-14540) (E-14778)     | n                |
|                      | (P-15928/91; A-6255)    | n                |
| 148.310              | am                      | 150.85           |
|                      | (P-14540) (E-14778)     | n                |
|                      | (P-15928/91; A-6255)    | n                |
| 148.320              | am                      | 150.95           |
|                      | (P-14540) (E-14778)     | n                |
|                      | (P-15928/91; A-6255)    | n                |
| 148.400              | n                       | 150.10           |
|                      | (P-15928/91; A-6255)    | n                |
| 149.5                | am                      | 150.20           |
|                      | (P-15931/91; A-6195)    | n                |
| 149.10               | n                       | 150.30           |
|                      | (P-14535) (E-14733)     | n                |
| 149.25               | am                      | 150.40           |
|                      | (P-15931/91; A-6195)    | n                |
|                      | (P-14535) (E-14733)     | n                |
| 149.50               | am                      | 150.50           |
|                      | (P-15931/91; A-6195)    | n                |
|                      | (P-14535) (E-14733)     | n                |
| 149.75               | am                      | 150.60           |
|                      | (P-15931/91; A-6195)    | n                |
|                      | (P-14535) (E-14733)     | n                |
| 149.100              | am                      | 150.70           |
|                      | (P-15931/91; A-6195)    | n                |
|                      | (P-14535) (E-14733)     | n                |
| 149.105              | am                      | 150.85           |
|                      | (P-15931/91; A-6195)    | n                |
|                      | (P-14535) (E-14733)     | n                |
| 149.125              | am                      | 150.95           |
|                      | (P-15931/91; A-6195)    | n                |
|                      | (P-14535) (E-14733)     | n                |
| 149.140              | n                       | 150.10           |
|                      | (P-15931/91; A-6195)    | n                |
| 149.150              | am                      | 150.20           |
|                      | (P-14535) (E-14733)     | n                |



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| 240.727 n            | (P-11363) (E-11625)     | 304.2 am         |
| 240.728 n            | (P-11363) (E-11625)     | 305.10 #         |
| 240.729 n            | (P-12251; C-13662)      | 305.10 re        |
|                      | (P-12615/91; O-15183)   | 305.20 am        |
|                      | (E-2901) (P-11363)      | 305.20 re        |
| 240.800 am           | (E-11625)               | 305.30 am        |
|                      | (E-2901) (P-11363)      | 305.30 re        |
| 240.810 am           | (E-2901) (P-11363)      | 305.40 #         |
|                      | (E-11625)               | 305.40 re        |
| 240.825 am           | (E-2901) (P-11363)      | 305.50 am        |
|                      | (E-11625)               | 305.50 re        |
| 240.855 am           | (E-2901) (P-11363)      | 305.60 am        |
|                      | (E-11625)               | 305.60 re        |
| 240.1510 am          | (P-15203)               | 305.70 n         |
| 240.1520 am          | (P-15203)               | 305.70 re        |
| 240.1530 am          | (P-15203)               | 305.80 n         |
| 240.1535 am          | (P-15203)               | 305.80 re        |
| 240.1540 am          | (P-15203)               | 305.90 #         |
| 240.1545 am          | (P-15203)               | 305.90 re        |
| 240.1550 am          | (P-15203)               | 305.100 #        |
| 240.1555 am          | (P-15203)               | 305.100 re       |
| 240.1560 am          | (P-15203)               | 305.110 #        |
| 240.1565 am          | (P-15203)               | 305.110 re       |
| 240.1570 am          | (P-15203)               | 305.120 #        |
| 240.1575 am          | (P-15203)               | 305.120 re       |
| 240.1580 am          | (P-15203)               | 305.130 am       |
| 240.1590 am          | (P-15203)               | 305.130 re       |
| 240.1600 am          | (P-4087; A-14565)       | 305.140 #        |
| 240.1605 am          | (P-4087; A-14565)       | 305.140 re       |
| 240.1610 am          | (P-4087; A-14565)       | 309.1 r          |
| 240.1620 am          | (P-4087; A-14565)       | 309.2 r          |
| 240.1625 am          | (P-4087; A-14565)       | 309.3 r          |
| 240.1630 am          | (P-4087; A-14565)       | 309.4 r          |
| 240.1635 am          | (P-4087; A-14565)       | 309.5 r          |
| 240.1640 am          | (P-4087; A-14565)       | 309.6 r          |
| 240.1645 am          | (P-4087; A-14565)       | 309.7 r          |
| 240.1650 am          | (P-4087; A-14565)       | 309.8 r          |
| 240.1655 am          | (P-4087; A-14565)       | 309.9 r          |
| 240.1660 am          | (P-4087; C-5083;        | 309.10 r         |
|                      | A-14565)                | 309.11 r         |
| 240.1661 n           | (P-4087; C-5083;        | 309.12 r         |
|                      | A-14565)                | 309.13 r         |
| 240.1665 am          | (P-4087; A-14565)       | 309.14 r         |
| 240.1800 am          | (P-15203)               | 309.15 r         |
| 240.1850 r           | (P-15203)               | 309.16 r         |
| 240.2020 am          | (P-15203)               | 309.17 r         |
| 240.2050 am          | (P-15203)               | 309.18 r         |
| 300.130 am           | (P-14988)               | 309.19 r         |
| 300.160 am           | (P-14988)               | 309.20 r         |
| 302.20 am            | (P-7565)                | 309.21 r         |
| 302.390 am           | (P-11979)               | 309.22 r         |

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| 309.23               | r                       | (P-7982)            | 336.90     | n (P-7963)              |
| 335.100              | am                      | (P-8415/91; A-7633) | 336.100    | n (P-7963)              |
|                      |                         | (P-12254)           | 336.110    | n (P-7963)              |
| 335.102              | am                      | (P-8415/91; A-7633) | 336.120    | n (P-7963)              |
|                      |                         | (P-12254)           | 336.130    | n (P-7963)              |
| 335.200              | am                      | (P-8415/91; A-7633) | 336.140    | n (P-7963)              |
|                      |                         | (P-12254)           | 336.150    | n (P-7963)              |
| 335.202              | am                      | (P-8415/91; A-7633) | 336.160    | n (P-7963)              |
|                      |                         | (P-12254)           | 336.170    | n (P-7963)              |
| 335.300              | am                      | (P-8415/91; A-7633) | 337.10     | n (P-7999)              |
|                      |                         | (P-12254)           | 337.20     | n (P-7999)              |
| 335.302              | am                      | (P-8415/91; A-7633) | 337.30     | n (P-7999)              |
|                      |                         | (P-12254)           | 337.40     | n (P-7999)              |
| 335.304              | am                      | (P-8415/91; A-7633) | 337.50     | n (P-7999)              |
|                      |                         | (P-12245)           | 337.60     | n (P-7999)              |
| 335.306              | am                      | (P-8415/91; A-7633) | 337.70     | n (P-7999)              |
|                      |                         | (P-12254)           | 337.80     | n (P-7999)              |
| 335.308              | r                       | (P-12254)           | 337.90     | n (P-7999)              |
|                      |                         | (P-8415/91; A-7633) | 337.100    | n (P-7999)              |
| 335.310              | am                      | (P-8415/91; A-7633) | 337.110    | n (P-7999)              |
|                      |                         | (P-12254)           | 337.120    | n (P-7999)              |
| 335.312              | am                      | (P-8415/91; A-7633) | 337.130    | n (P-7999)              |
|                      |                         | (P-12254)           | 337.140    | n (P-7999)              |
| 335.314              | am                      | (P-8415/91; A-7633) | 337.150    | n (P-7999)              |
|                      |                         | (P-12254)           | 337.160    | n (P-7999)              |
| 335.316              | am                      | (P-8415/91; A-7633) | 337.170    | n (P-7999)              |
|                      |                         | (P-12254)           | 337.180    | n (P-7999)              |
| 335.318              | am                      | (P-8415/91; A-7633) | 337.190    | n (P-7999)              |
|                      |                         | (P-12254)           | 337.200    | n (P-7999)              |
| 335.320              | am                      | (P-8415/91; A-7633) | 337.210    | n (P-7999)              |
|                      |                         | (P-12254)           | 337.220    | n (P-7999)              |
| 335.326              | am                      | (P-8415/91; A-7633) | 337.230    | n (P-7999)              |
|                      |                         | (P-12254)           | 337.240    | n (P-7999)              |
| 335.328              | am                      | (P-8415/91; A-7633) | 337.250    | n (P-7999)              |
|                      |                         | (P-12254)           | 352. Ap. A | am (P-13229/91; A-3924) |
| 335.330              | am                      | (P-8415/91; A-7633) | 377.2      | am (P-7553)             |
|                      |                         | (P-12254)           | 377.4      | am (P-7553)             |
| 335.332              | am                      | (P-8415/91; A-7633) | 378.1      | r (P-7561)              |
| 335.334              | am                      | (P-8415/91; A-7633) | 378.2      | r (P-7561)              |
| 335.336              | am                      | (P-8415/91; A-7633) | 378.3      | r (P-7561)              |
| 335.338              | am                      | (P-8415/91; A-7633) | 378.4      | r (P-7561)              |
| 335. Ap. A           | n                       | (P-12254)           | 402.15     | am (P-11707) (E-11879)  |
| 336.10               | n                       | (P-7963) (P-7963)   | 406.2      | am (E-15088/91; M-2269) |
| 336.20               | n                       | (P-7963)            | 406.4      | am (P-14734/91; A-7602) |
| 336.30               | n                       | (P-7963)            | 406.5      | am (P-14734/91; A-7602) |
| 336.40               | n                       | (P-7963)            | 406.6      | am (P-14734/91; A-7602) |
| 336.50               | n                       | (P-7963)            | 406.7      | am (P-14734/91; A-7602) |
| 336.60               | n                       | (P-7963)            | 406.8      | am (P-14734/91; A-7602) |
| 336.70               | n                       | (P-7963)            | 406.9      | am (P-14734/91; A-7602) |
| 336.80               | n                       | (P-7963)            | 406.10     | am (P-14734/91; A-7602) |



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| 406.11  | am | (P-14734/91; A-7602)         | 674.20  | n  | (E-2690)              |
| 406.12  | am | (P-14734/91; A-7602)         | 674.30  | n  | (E-2690)              |
| 406.13  | am | (P-14734/91; A-7602)         | 674.40  | n  | (E-2690)              |
|         |    | 406.14am(P-14734/91; A-7602) | 674.50  | n  | (E-2690)              |
|         |    |                              | 683.100 | r  | (E-2688) (E-11679)    |
|         |    |                              |         |    | (P-13221; W-13982)    |
| 406.22  | am | (P-14734/91; A-7602)         |         |    | (E-13974)             |
| 406.24  | am | (P-14734/91; A-7602)         | 685.500 | am | (P-14392/91; A-4529)  |
| 407.29  | am | (P-14729/91; A-7597)         | 685.550 | n  | (P-14392/91; A-4529)  |
| 408.5   | am | (P-14764/91; A-8950)         | 685.600 | am | (P-16876/91; A-6868)  |
| 408.7   | n  | (P-14764/91; A-8950)         | 690.100 | am | (P-15065)             |
| 408.20  | am | (P-14764/91; A-8950)         | 690.200 | am | (P-15065)             |
| 408.30  | am | (P-14764/91; A-8950)         | 690.300 | am | (P-15065)             |
| 408.40  | am | (P-14764/91; A-8950)         | 690.400 | am | (P-15065)             |
| 408.50  | am | (P-14764/91; A-8950)         | 714.30  | am | (P-3067; A-16179)     |
| 408.60  | am | (P-14764/91; A-8950)         |         |    | (RC-13373)            |
| 408.65  | am | (P-14764/91; A-8950)         | 714.100 | am | (P-3067; A-16179)     |
| 408.70  | am | (P-14764/91; A-8950)         |         |    | (RC-13373)            |
| 408.105 | am | (P-14764/91; A-8950)         | 714.110 | am | (P-3067; A-16179)     |
| 510.10  | am | (P-69; A-8537)               |         |    | (RC-13373)            |
| 510.20  | am | (P-69; A-8537)               | 714.120 | am | (P-3067; A-16179)     |
| 510.30  | am | (P-69; A-8537)               |         |    | (RC-13373)            |
| 510.40  | am | (P-69; A-8537)               | 714.130 | am | (P-3067; A-16179)     |
| 510.70  | am | (P-69; A-8537)               |         |    | (RC-13373)            |
| 510.80  | am | (P-69; A-8537)               | 714.300 | n  | (P-3067; A-16179)     |
| 510.90  | am | (P-69; A-8537)               |         |    | (RC-13373)            |
| 510.100 | am | (P-69; A-8537)               | 714.310 | am | (P-3067; A-16179)     |
| 510.110 | am | (P-69; A-8537)               |         |    | (RC-13373)            |
| 562.20  | am | (P-14189)                    | 730.700 | r  | (P-10397)             |
| 562.30  | am | (P-14189)                    | 787.10  | n  | (P-13027/91; A-2882)  |
| 567.20  | am | (P-10403)                    | 787.20  | n  | (P-13027/91; A-2882)  |
| 567.30  | am | (P-10403)                    | 787.30  | n  | (P-13027/91; A-2882)  |
| 567.100 | am | (P-10403)                    | 787.40  | n  | (P-13027/91; A-2882)  |
| 587.70  | am | (P-18110/91; A-8235)         | 787.50  | n  | (P-13027/91; A-2882)  |
| 597.20  | am | (P-3440; A-12583)            | 840.10  | am | (P-15390/91; A-10301) |
| 673.10  | n  | (E-11682) (P-13224; W-13983) | 840.20  | am | (P-15390/91; A-10301) |
| 673.10  | r  | (E-13977)                    | 840.30  | am | (P-15390/91; A-10301) |
| 673.20  | n  | (E-11682) (P-13224; W-13983) | 840.40  | am | (P-15390/91; A-10301) |
| 673.20  | r  | (E-13977)                    | 840.50  | am | (P-15390/91; A-10301) |
| 673.30  | n  | (E-11682) (P-13224; W-13983) | 840.60  | n  | (P-15390/91; A-10301) |
| 673.30  | r  | (E-13977)                    | 840.70  | n  | (P-15390/91; A-10301) |
| 673.30  | n  | (E-11682) (P-13224; W-13983) | 840.75  | am | (P-15390/91; A-10301) |
| 673.30  | r  | (E-13977)                    | 840.80  | am | (P-15390/91; A-10301) |
| 673.40  | n  | (E-11682) (P-13224; W-13983) | 840.90  | am | (P-15390/91; A-10301) |
| 673.40  | r  | (E-13977)                    | 840.95  | n  | (P-15390/91; A-10301) |
| 673.50  | n  | (E-11682) (P-13224; W-13983) | 840.100 | n  | (P-15390/91; A-10301) |
| 673.50  | r  | (E-13977)                    | 840.105 | n  | (P-15390/91; A-10301) |
| 674.10  | n  | (E-2690)                     | 840.110 | n  | (P-15390/91; A-10301) |
|         |    |                              | 840.115 | n  | (P-15390/91; A-10301) |
|         |    |                              | 843.10  | am | (P-15405/91; A-10316) |
|         |    |                              | 843.20  | am | (P-15405/91; A-10316) |

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| 843.30   | am | (P-15405/91; A-10316) | 50.30    | r  | (P-6139; A-13094)     |
| 843.50   | am | (P-15405/91; A-10316) | 50.30    | n  | (P-6139; A-13096)     |
| 843.60   | am | (P-15405/91; A-10316) | 50.40    | r  | (P-6139; A-13094)     |
| 843.61   | am | (P-15405/91; A-10316) | 50.40    | n  | (P-6139; A-13096)     |
| 843.70   | am | (P-15405/91; A-10316) | 50.50    | r  | (P-6139; A-13094)     |
| 843.80   | am | (P-15405/91; A-10316) | 50.50    | n  | (P-6139; A-13096)     |
| 843.120  | am | (P-15405/91; A-10316) | 50.60    | r  | (P-6139; A-13094)     |
| 843.121  | am | (P-15405/91; A-10316) | 50.60    | n  | (P-6139; A-13096)     |
| 843.130  | am | (P-15405/91; A-10316) | 50.70    | r  | (P-6139; A-13094)     |
| 843.150  | am | (P-15405/91; A-10316) | 50.70    | n  | (P-6139; A-13094)     |
| 843.160  | am | (P-15405/91; A-10316) | 50.80    | r  | (P-6139; A-13094)     |
| 843.180  | am | (P-15405/91; A-10316) | 50.80    | n  | (P-6139; A-13094)     |
| 845.10   | am | (P-11572/91; A-2615)  | 50.90    | r  | (P-6139; A-13096)     |
| 845.20   | am | (P-11572/91; A-2615)  | 50.100   | r  | (P-6139; A-13094)     |
| 845.30   | am | (P-11572/91; A-2615)  | 50.100   | n  | (P-6139; A-13096)     |
| 845.40   | am | (P-11572/91; A-2615)  | 50.110   | r  | (P-6139; A-13094)     |
| 900.310  | am | (P-12989/91; A-5311)  | 50.110   | n  | (P-6139; A-13096)     |
| 900.321  | am | (P-12989/91; A-5311)  | 50.120   | r  | (P-6139; A-13094)     |
| 900.322  | am | (P-12989/91; A-5311)  | 50.120   | n  | (P-6139; A-13096)     |
| 900.330  | am | (P-12989/91; A-5311)  | 50.130   | r  | (P-6139; A-13094)     |
| 900.331  | am | (P-12989/91; A-5311)  | 50.130   | n  | (P-6139; A-13096)     |
| 900.342  | am | (P-12989/91; A-5311)  | 50.140   | r  | (P-6139; A-13094)     |
| 900.343  | am | (P-12989/91; A-5311)  | 50.140   | n  | (P-6139; A-13096)     |
| 900.345  | am | (P-12989/91; A-5311)  | 50.150   | r  | (P-6139; A-13094)     |
| 900.348  | am | (P-12989/91; A-5311)  | 50.160   | r  | (P-6139; A-13094)     |
| 1200.10  | am | (P-15354)             | 50.160   | n  | (P-6139; A-13096)     |
| 1200.20  | am | (P-15354)             | 62.30    | am | (P-4813; A-12608)     |
| 1200.30  | am | (P-15354)             | 97.10    | n  | (P-19709/91; P-10475) |
| 1200.40  | am | (P-15354)             | 97.20    | n  | (P-19709/91; P-10475) |
| 1200.50  | am | (P-15354)             | 97.30    | n  | (P-19709/91; P-10475) |
| 1200.60  | am | (P-15354)             | 97.40    | n  | (P-19709/91; P-10475) |
| 1200.70  | am | (P-15354)             | 97.50    | n  | (P-19709/91; P-10475) |
| 1200.80  | am | (P-15354)             | 97.60    | n  | (P-19709/91; P-10475) |
| 1200.100 | am | (P-15354)             | 97.70    | n  | (P-19709/91; P-10475) |
| 1200.110 | am | (P-15354)             | 97.80    | n  | (P-19709/91; P-10475) |
| 1200.110 | am | (P-15354)             | 97.90    | n  | (P-19709/91; P-10475) |
| 1200.110 | am | (P-15354)             | 97.100   | n  | (P-19709/91; P-10475) |
| 1300.120 | am | (P-5141/91; A-4819)   | 97.110   | n  | (P-19709/91; P-10475) |
| 1300.130 | am | (P-5141/91; A-4819)   | 97.120   | n  | (P-19709/91; P-10475) |
| 1300.200 | am | (P-5141/91; A-4819)   | 97.130   | n  | (P-19709/91; P-10475) |
| 1300.205 | n  | (P-5141/91; A-4819)   | 97.140   | n  | (P-19709/91; P-10475) |
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|          |    |                       | 172.2000 | am | (P-16003/91; W-2697)  |
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